

SAN MIGUEL COUNTY PLANNING COMMISSION AGENDA

July 8, 2015

8:30 AM Leave Courthouse for Norwood Site Visit: 85 Skalla Road, Norwood,
Fleet Auto Service

Glockson Building, County Offices, 1120 Summit St., Norwood

10.00 AM Approval of Minutes; Planning Commission Comments; Staff Comments

10:10 AM Rezoning Recommendation: from Wright's Mesa (WM) Zone District to
Wright's Mesa Light Industrial (WMLI) Zone District: Lots 13-20, Skalla
Subdivision #2

Special Use Permit: Vehicle Service and Repair Shop in the WMLI Zone
District: Lots 13-20, Skalla Subdivision #2

Adjourn

**For more information on the above proposal contact the
Planning Department at (970) 728-3083**

**Times are approximate; items may begin earlier (except public hearings)
or later than scheduled.**

**SAN MIGUEL COUNTY PLANNING COMMISSION
MINUTES – REGULAR MEETING
June 10, 2015**

Miramonte Building, 333 West Colorado Ave., Second Floor Meeting Room, Telluride

Present: Pamela Hall, Vice-chair
Lee Taylor, Secretary
Marty Schmalz, Regular Member
Ian Bald, Regular Member (arrived 9:04 a.m.)
Kevin Kell, Sr. Alternate
M.J. Schillaci, Jr. Alternate

Absent: Kris Holstrom, Chair

Planning Staff Present: Michael Rozycki, Planning Director (until 9:10 a.m.)
Karen Henderson, Associate Planner

Other County Staff Present: Mike Horner, County Road and Bridge Superintendent
John Huebner, Chief Deputy Clerk

9:00 a.m. Called to Order.

Approval of Minutes

M.J. Schillaci made a **MOTION** to approve the minutes from the March 11, 2015 meeting as presented. **SECONDED** by Marty Schmalz. **VOTE PASSED 5-0.**

Kris Holstrom	Aye	Nay	Abstain	<u>Absent</u>
Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Marty Schmalz	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	Aye	Nay	Abstain	<u>Absent</u>
Kevin Kell	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent

Planning Commission and Staff Comments

Michael Rozycki, County Planning Director updated the Planning Commission on projects the planning staff is working on: Lawson Hill Property Owners requested a Planning Commission meeting in July concerning the neighborhood commercial and live work zoning; County staff has concerns regarding the Montrose-Nucla-Cahone Transmission Line and is submitting comments; the County is still working on gaining public access to County Road 40J; Deep Creek property subdivision exemption application; Norwood auto repair business property re-zoning request, there is new building started in county. Pam Hall asked if there are any issues with Deep Creek and would it come before Planning Commission. Rozycki answered that it may come before Planning Commission, but there are quite a few variables that could affect a future application.

County Road Vacation Recommendation: CR K7, west end San Miguel County, north of Egnar

Karen Henderson, County Associate Planner presented the Planning Staff Memorandum dated June 10, 2015 regarding a County Road Vacation Recommendation: CR K7, located in west end of San Miguel County, north of the town of Egnar.

Henderson stated the applicants seek to vacate the portion of County Road K7 that lays their property. This approximate ¼ mile portion of County Road K7 is located east of State Highway 141 approximately 2 miles north of Egnar. CR K7 travels east of State Highway 141 approximately 450 feet to the James property line than northeast approximately ¼ of a mile where it dead ends on the James parcel. A survey of CR K7 will be required to vacate the portion of the county road from the James property to the state highway. To avoid the survey expense the James are requesting that just the portion of the county road on their property be vacated. There is an additional portion of County Road K7 that lies northeast of the James parcel but the two sections of CR K7 do not connect and this northerly portion is not considered part of this application request. Mike Horner states he has no objection to the request to vacate CR K7 within the boundary of the James property. The very short section of CR K7 from SH 141 to the James property line will remain a county-maintained public road however, it will be the Road Departments intent to request that the Board of Commissioners delete this short section from the county maintenance system since it will be impractical to mobilize equipment in order to maintain approximately 450 feet of County Road. The short section will remain a non-county maintained public road and will be reported to CDOT as such.

The applicant states there are no adjacent parcels that use the CR K7 for access and the road is almost entirely on their property where it dead ends. County Road K7 is a maintained county road. The James would like to gate the entrance to their property as they have security concerns and have had issues with the public dumping trash on their property.

The applicant states there are no utility companies or other persons with easements or other rights in or adjacent to the subject roadway or right-of-way or other adjacent parcels that use the road for access.

Kevin Kell asked Mike Horner to if there is a connection between the portion of the road to be vacated and SH141 as depicted on map in the Planning Commission packet. Karen Henderson and Mike Horner replied yes, but the Applicant is not requesting that section of road be vacated.

Chris James, Applicant asked if he has the right to maintain the portion of road not vacated. Mike Horner answered the Applicant would need to be issued a Road and Bridge Permit to do so.

Others present: Chris and Mary James, Applicants

Kevin Kell made a **MOTION** to approve the County Road Vacation Recommendation: a portion of CR K7, located in west end of San Miguel County, north of town of Egnar as submitted lying entirely on the James property, [based upon the County Road Superintendent and the neighboring property owners having no objection to the vacation and a finding that the application is in compliance with] the standards listed in Land Use Code Section 5-501 L. as stated in the planning department comments [and will not leave any land adjoining that roadway

without an established public road and that there does not appear to be any existing sewer, gas, water, or similar pipelines and appurtenances, nor any ditches, canals and appurtenances, nor any electric, telephone and similar lines and appurtenances, located with the C.R. K7 right-of-way for which easements should be reserved for their continued use.] **SECONDED** by Marty Schmalz. **VOTE PASSED 5-0.**

Kris Holstrom	<u>Aye</u>	Nay	Abstain	<u>Absent</u>
Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Marty Schmalz	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Kevin Kell	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	Aye	Nay	Abstain	Absent

Special Use Permit Amendment: Telluride Sleighs & Wagons, add summer use for wagon and dinner operation

Karen Henderson, County Associate Planner presented the Planning Staff Memorandum dated June 10, 2015 regarding Special Use Permit Amendment: Telluride Sleighs & Wagons, to expand its winter operation to add a summer season wagon and dinner ride.

Henderson stated the applicant would like to amend its winter sleigh and dinner ride operation to allow a summer wagon or hike in dinner two nights a week at the same location as the winter service. All customers will be transported by van to the intersection of Last Dollar Road and Mountain Flower Drive. No vehicles will be parked on Last Dollar Road. For the hike in dinner guests will be dropped off at the Whipple Mountain trailhead and transported by van back to Telluride. The applicant had an access easement with the Golden Ledge subdivision for the winter use and is in the process of obtaining a new easement agreement for the summer use. The dinner site will be the same setup as the winter operation.

Karen Henderson said the application was referred to Colorado Parks and Wildlife (CPW). CPW commented that the proposed use is located in elk and mule deer summer range and a black bear summer concentration area. Fawning and calving are very likely to occur on this property. In addition to the CPW's previous comments dated October 27, 2014 concerning the winter operation, CPW would like the following conditions added to the Special Use Permit:

1. All unprepared food kept on site should be stored in a bear proof container.
2. Customers should not be allowed to have free roaming dogs on the property.

Karen Henderson stated that the County Road Department and County Environmental Health Department reviewed the application and had no objections to it. The Road Department requested the condition be added that applicants will not park along CR T60 and that customers will car pool in a van to the site.

Karen Henderson stated that Telluride Sleighs and Wagons operated its dinner ride operation this past December through April in the same location as the proposed summer operation and no complaints were received regarding the winter operation only positive comments were heard. While the area is mapped by the CPW as deer and elk summer range and a black bear summer concentration area the County Land Use Code does not prohibit commercial uses during the summer months in that habitat area.

Karen also stated the Planning Staff recommends approval of the proposed application to amend Special Use Permit 2014-1 finding that with Colorado Parks and Wildlife oversight the applicant should be able to prevent disturbance to the elk herd in the area with the following conditions:

1. Complying with the recommendations presented by the CPW regarding applicant's winter operation and as presented in its May 29, 2015 letter. If the CPW believes the use is detrimental to elk or mule deer herd such recommendation will be reviewed and acted upon by the Planning Director.
2. The applicant providing the Planning Department with an executed access agreement with the Golden Ledge subdivision for use of Mountain Flower Drive and Three Sisters Way.
3. This Special Use Permit is issued specifically to Ashley Story, Telluride Sleighs and Wagons, and must be reviewed and renewed annually.
4. All conditions of Planning Commission Resolution 2014-1 shall remain in effect for the summer season.
5. The applicant shall comply with all written representations presented in the application and any supplements unless modified by the Planning Commission today.

Lee Taylor, Planning Commission asked if the two special use permits would be reviewed annually as combined. Karen Henderson said she would wait and review the permit after the summer season and if operations were satisfactory then the two permits could be combined for one annual review.

Lee Taylor, Planning Commission asked the Applicant if the winter season was successful. Ashley Story, Applicant, replied that it had been.

Others present: Pam Bennett, Angie Petersen, Chandler Bennett, and Scott Bennett, family members of the Applicant.

Marty Schmalz made a **MOTION** to approve this special use permit amendment for Telluride Sleighs and Wagons with the addition provided by the Parks and Wildlife [CPW] complying with the recommendations presented by the CPW regarding applicant's winter operation and as presented in its May 29, 2015 letter and also the information that Karen [Henderson, County Associate Planner] provided and the conditions Karen presented as follows:

1. If the CPW believes the use is detrimental to elk or mule deer herd such recommendation will be reviewed and acted upon by the Planning Director.
2. The applicant providing the Planning Department with an executed access agreement with the Golden Ledge subdivision for use of Mountain Flower Drive and Three Sisters Way.
3. This Special Use Permit is issued specifically to Ashley Story, Telluride Sleighs and Wagons, and must be reviewed and renewed annually.
4. All conditions of Planning Commission Resolution 2014-1 shall remain in effect for the summer season.
5. The applicant shall comply with all written representations presented in the application and any supplements unless modified by the Planning Commission today.

Kris Holstrom	Aye	Nay	Abstain	<u>Absent</u>
Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Marty Schmalz	<u>Aye</u>	Nay	Abstain	Absent

Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Kevin Kell	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	Aye	Nay	Abstain	Absent

9:26 a.m. Adjourned

Respectfully Submitted,

John Huebner, Chief Deputy Clerk

Approved on _____.

SAN MIGUEL COUNTY PLANNING COMMISSION

Lee Taylor, Secretary

[P:\CPC Meeting Minutes\20150610-PC\pc.6.15minutes.doc]

Public Meeting Record

Application: Rezoning Recommendation: Lots 13-20, Skalla Subdivision #2

Special Use Permit: Vehicle Repair and Service, Lots 13-20, Skalla Subdivision 2

Date: July 8, 2015

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Planning Commission from the San Miguel County Planning Department Staff dated July 8, 2015.
4. Application submitted by Ray Cossey with supplements dated April 13, 2015, June 1, 2015 and June 17, 2015.
5. Certification of Compliance with the Public Noticing Requirements" dated June 13, 2015.
6. Memorandum from Cindy Chapin, Town of Norwood Planner, dated June 23, 2015.
7. Email from Mike Horner, County Road Superintendent, dated June 23, 2015.
8. Email from Doug Berry, County Building Official, dated June 23, 2015.
9. Email from Dave Schneck, County Environmental Health Director, dated June 22, 2015.
10. Letter from Mike Rozycki, County Planning Director, to Ray Cossey dated June 10, 2015.
11. Letter from Mike Rozycki, County Planning Director, to Ray Cossey dated May 27, 2015.

M E M O R A N D U M

TO: San Miguel County Planning Commission
FROM: San Miguel County Planning Department
RE: Rezoning Recommendation: Rezone Lots 13-20 Skalla Subdivision #2 from Wright's Mesa (WM) to Wright's Mesa Light Industrial (WMLI)
Special Use Permit: Vehicle Repair Business, Lots 13-20 Skalla Subdivision #2 Wrights Mesa
DATE: July 8, 2015 [text/word/skalla.lots13-20/rezone.sup]

Summary

Ray Cossey (applicant), owner of Lots 13 through 20, Block 1, Skalla Subdivision #2, seeks a Rezoning of these eight (8) lots from the Wrights Mesa (WM) Zone District to the Wright's Mesa Light Industrial (WMLI) Zone District. Mr. Cossey is also applying for a Special Use Permit for a Vehicle Service and Repair business on Lots 13 through 20. These lots are located approximately 1/3 of a mile east of the Town of Norwood south of State Highway 145 on the corner of Hazel and Skalla Road.

The subject property is located within the Wright's Mesa (WM) Future Land Use Norwood Master Plan Area. Lots 13 thru 20, Block 2 of the Skalla Subdivision are identified as appropriate for Light Industrial Uses and Zoning in both the Wright's Mesa and the Town of Norwood Master Plans. The Wright's Mesa Master Plan states that future growth and development on Wright's Mesa should be consistent with the Future Land Use Plan and goals and policies of the Plan. New town-level development on Wright's Mesa should occur first within the town's incorporated limits, and second within the Town of Norwood Master Plan Area pursuant to the WM Future Land Use Plan. It is anticipated that properties within the Norwood Master Plan Area will be annexed at the time of being developed if eligible for annexation. In those instances where property within the Norwood Master Plan Area that is proposed for development is not eligible for annexation, it will still need to meet the town standards for new Light Industrial uses, and may be subject to a pre-annexation agreement to ensure that said development is annexed to the town in an orderly manner when it is eligible.

The applicant currently has a Special Use Permit (County Planning Commission (CPC) Resolution 2007-1) for an Auto Repair Business on Lots 13-16. The current WM zoning and the Special Use Permit approval limits the auto repair business to having no more than 5 cars stored or parked overnight outside the building on these four lots. Additionally, the current WM Zone District prescribes a 30 foot front yard setback and 20 foot side and rear yard setbacks. Since obtaining the Special Use Permit for the Auto Repair Business in 2007 the applicant has acquired additional lots to the west within the Skalla Subdivision. The primary reasons for requesting this rezoning and Special Use Permit under the provisions of the WMLI Zone District are as follows:

1. The approval of these applications would allow the owner to expand his auto repair business onto adjoining Lots 17-20, Block 1 in the Skalla Subdivision and build an additional auto repair bay on the west side of the existing business. Mr. Cossey has used

these lots for parking and storing vehicle overnight and has placed several structures on these lots without obtaining the appropriate approvals to do so.

2. The WMLI Zone District and its provision for a Vehicle Service and Repair Business does not prescribe a specific limit on the number of cars or vehicles that may be stored or parked overnight outside of the building. Under the WMLI Zone District the number of cars/vehicles that may be parked or stored overnight outside of the building, and the type of fencing and screening, which could include landscaping in addition to screening with a fence, is to be considered and determined through the Planning Commission's review and evaluation of the owner's application and the site specific development plan. The information provided by the applicant indicates that he is asking to be allowed to park or store up to 25 vehicles overnight on lots 13 thru 20 in conjunction with his auto repair business.
3. The required minimum yard setbacks in the WMLI Zone District are 15-foot front yard and 10- foot side & rear yard which is considerably less than the setbacks required in the WM Zone District. The Planning Commission in its review of this specific proposal and the submitted site plan could require greater yard setbacks than the identified minimums to reduce visual, noise, lighting or other impacts to neighboring properties, if deemed necessary or appropriate.

As proposed the applicant intends to construct an additional 1680 sq. ft. repair bay to the existing 3,560 sq. ft. building. Lots 17-20 would have eighteen 12'x22' outdoor graveled parking spaces. The applicant has placed two 160 sq. ft. storage containers, and a 336 sq. ft. storage shed on these lots. The setbacks for the WMLI lots allow for a 10 foot setback from the side and rear property lines versus a 20-foot setback in the WM zone district. The lesser setback will allow the applicant to also construct a 520 sq. ft. roof overhang on the back of the existing building. The applicant also intends to construct a roof between the two existing storage containers on Lots 17 thru 20.

The applicant believes the proposed Rezoning is consistent with the applicable Land Use Code (LUC) Section 5-1803 and is consistent with the County Master Plan, and further believes the Rezoning is compatible with surrounding zone districts and land uses. There are several businesses located in close proximity including Young Enterprises, Foreign Cars LTD, the Bureau of Land Management and the San Miguel Veterinary Hospital. He also states there will be no additional traffic generation or safety concerns.

The applicant is proposing to work Monday through Saturday from 7 AM to 6 PM. The 2007 SUP approval specified the hours of operation as Monday thru Friday, 8 am to 5 pm with no work/business on weekends.

In addressing the WMLI standards for a Vehicle Service and Repair business the applicant provides the following information:

The primary bay door faces Skalla road and would not be seen from State Highway 145. It is the applicant's intent to provide ample screening/fencing to mitigate the visual impacts from the

Highway 145 corridor and neighbors. All parts and equipment will be stored indoors or screened with a wood or metal fence at least six feet in height. The applicant does not plan to plant additional trees or shrubs as his well permit does not permit outside irrigation use. The well permit for the existing well located to the rear of the existing auto repair building states the use of ground water from this well is limited to drinking and sanitary facilities for a commercial business. Water from this well shall not be used for lawn or landscape irrigation or for any other purpose outside the business building structure. The applicant states that virtually no view corridor will be affected by this proposed rezoning and increased use.

Parking will be limited to Lots 13-20 and will not occur on other property that Mr. Cossey owns to the west and north. The total number of cars that may be stored or parked overnight outside of the building will not exceed a total 25 cars/vehicles at any time.

The existing and any new lighting will conform to LUC standards and shall be shielded and directed towards the building or ground. Based on the submitted application and site specific plan development plan no outdoor lighting is proposed for the parking area on Lots 17 thru 20. The applicant states he will comply with all the standards listed in LUC Section 5-319 I I. & II. regarding Site Development Standards.

Review Process

The proposed rezoning requires two-step Planning Commission and Board of Commissioner review pursuant to Land Use Code Sections 5-1803. The Vehicle Service and Repair Shop and Parts Sales (indoor) requires One-step Planning Commission review pursuant to Land Use Code Section 5-319-3 Table of Allowed Uses; Section 5-319 H. IV. d. Vehicle Service and Repair, and Section 5-319 I. Site Development Standards for Uses on Wright's Mesa.

Noticing

The applicant has sent notice that these applications are to be considered by the CPC at their public meeting on July 8, 2015 to all property owners within 500 feet of the subject parcels and the applicant posted notice of this scheduled public meeting to consider these applications on the property.

Referral Comments

These applications were referred to the County Environmental Health Director, the County Road & Bridge Superintendent, the Norwood Fire Protection District, The County Attorney, the Town of Norwood and the County Building Official with a cover memo dated June 18, 2015.

County Environmental Health Director Comments

In a June 22, 2015 email, Director Dave Schneck states he has no objection to the proposed applications but requested clarification on the existing well permit. The existing permit is a Commercial permit that allows the uses as proposed (see well permit attached to application). If the new bay has a floor drain it needs to be connected to the existing sand and grease interceptor,

the applicant should verify that the alarm system is in place and functional, and shall provide documentation of where the wastes that are currently generated are being accepted.

County Building Official Comments

In a June 23, 2015 email, Doug Barry, County Building Official, states that the proposed addition and overhang on the existing shop and the covered storage facilities will require a building permit. Fences equal to or less than 6 feet in height will not require a building permit.

County Road & Bridge Superintendent Comments

In a July 23, 2015 email, County Road Superintendent Mike Horner provided the following comments:

1. Resolution 2007-1 approving the existing auto repair business required that the applicant abandon the access to Lot 16 and re-apply for access to Lots 14 and 15 as shown on his original application. This condition has not been completed. Road & Bridge is recommending that the application apply for access to Lots 14 and 15 and abandon access to Lot 16 as previously required.
2. The current proposal is showing parking on Lots 17-20 with no access plan. As a condition of approval the applicant shall submit an application for a Road & Bridge access permit on these lots showing a clear access plan that identifies one point of entry to the County Road rather than what appears to be random access of Skalla Road.
3. No parking will be allowed on the county roads or right-of-ways including Hazel Street, CR 42.9Z, Skalla Road, CR Z42.9, Vail Street, or CR 42.8Z. In addition, the alley north of the existing repair shop between Hazel Street and Vail Street must be kept clear at all times for emergency access.
4. No business signs or other advertising will be permitted in the county road right-of-way.
5. Road & Bridge also recommends some sort of view screening from State Highway 145 and Skalla Road since the accumulation of several vehicles in for repair will give the appearance of a salvage yard.

Town of Norwood Comments

In a June 23, 2015 memorandum, Cindy Chapin, Norwood Town Planner, states the Town of Norwood finds that the subject property does not meet the contiguity requirements to be eligible for annexation and will not be eligible in the foreseeable future. The Town is also not interested in requiring the applicant to enter into a pre-annexation agreement as municipal water services are not readily available to serve the subject property. Therefore, the Town would like to see the applicant continue through the San Miguel County approval process which the Town believes will be thorough and thoughtful and that the County's WMLI Land Use Code standards adequately address the site development.

Planning Department Comments

Rezoning

The Wright's Mesa Light Industrial (WMLI) Zone District was established to implement the "Town Light Industrial" land use classification in the Wright's Mesa Master Plan. The district is intended to apply to county parcels that have been identified as appropriate for light industrial development currently outside town limits but within the Town of Norwood Master Plan Boundary. The district is intended to allow for the development of small-scale and relatively low-impact business services compatible with the small-town character of Norwood, in locations where uses and activities can be efficiently served by the Town of Norwood, Norwood Sanitation District, and Norwood Water Commission. This district is near the downtown commercial area and at the edge of town residential areas, where town-level residential and light industrial uses should occur. The district's location allows for the expansion of Norwood in a compact and orderly fashion. Prior to rezoning parcels to the WMLI district, the county will encourage landowners to seek annexation into the Town or enter into a pre-annexation agreement with the Town of Norwood. The current County LUC includes general site development standards for all uses on WM and there are additional site development standard for proposed developments within the WMLI Zone District (noise, odor, dust, lighting, etc.).

The applicant is seeking this Rezoning because the WMLI Zone District allows a Vehicle Service and Repair business through a One-step Planning Commission Review process but this new zone district does not prescribe a specific limit on the number of cars that may be stored or parked overnight outside of the building, whereas under the applicants current SUP and provisions of the WM Zone District he is limited to parking or storing no more than five (5) cars overnight outside his building. Under the new WMLI Zone District the number of cars that may be allowed to be parked or stored overnight outside of the building and the type of fencing and screening, which could include landscaping in addition to screening with a fence, would be considered and determined through the Planning Commission's review and evaluation of the Special Use Permit application and site specific development plan.

A second reason mentioned for requesting this zone change is that the minimum required setbacks in the WMLI Zone District are 15-foot front yard, and 10-foot side & rear yard, which is considerably less than the 30-foot front and 20-foot side and rear yard setbacks required in the WM Zone District. The Planning Commission in its review of the specific proposal and site plan can require a greater setback than these identified minimums to reduce visual, noise, lighting or other impacts to neighboring properties.

Staff requested the applicant contact the Town of Norwood with regards to the issue of obtaining annexation or a pre-annexation agreement with the Town of Norwood in accordance with the Master Plan and Land Use Code zone district standards. As stated in their referral comments the Town of Norwood is not in a position to annex the property or offer a pre-annexation agreement and supports the applicant continuing through the County review process.

Special Use Permit

In addition to applying to include additional lots within the Special Use Permit application for this Vehicle Service and Repair business in the WMLI Zone District, as a part of this application, Mr. Cossey is requesting Hours of Operation Monday through Saturday from 7 am to 6 pm. The approved Special Use Permit per CPC Resolution 2007-1 specified Hours of Operation: Monday thru Friday, 8 am to 5 pm with no work/business on the weekends. At the time the CPC considered Mr. Cossey's Special Use Permit application in 2007 the then owners of lots 17-20, the O'Rourke's, were opposed to the CPC's granting or approving a Special Use Permit for an Auto Repair business on lots 13 thru 16. Since that time the CPC in 2008 approved an Updated WM Master Plan that identifies these lots as appropriate for light industrial uses. Additionally since 2007 Mr. Cossey has purchased lots 17 thru 20, as well as additional properties in the immediate area. In light of these changes in circumstances together with the fact that we have not heard or received any concerns from neighbors regarding the additional day and hours proposed in this SUP application Planning staff has no objection to the proposed days and hours of operation.

The applicant under Landscaping and Screening states that screening will be a fence of at least six feet in height and constructed of wood or metal. No trees or shrubs are incorporated into the site plan because his commercial well permit does not provide for irrigating or watering plants. The submitted site plan depicts the existing wood fence along the westerly boundary of Lot 16 and identifies a proposed fence/screen to be installed along the west boundary of Lot 20. The applicant is not proposing a fence or screening along either the north boundary or the south boundary of the proposed parking area. The subject lots in this block are separated from the property to the north, the "Dixon Residence" by a 16 foot wide public alley. It is the Planning Department's preference that the fencing/screening along the west side of Lot 20 be a wood fence that matches the appearance of the existing fence along the west boundary of Lot 16; if the applicant proposes a metal fence as an alternative we would ask for an opportunity to review and approve the proposed metal fencing. We would prefer additional landscaping and vegetation over fencing but understand the limitations associated with the commercial well permit serving this business. In light of the Road & Bridge Superintendent's comments concerning having designated permitted points of entry to the subject lot from Skalla Street rather than random uncontrolled access to and from Skalla Drive consideration should be given to requiring some type of delineation or barrier along the front of Lots 17 thru 20 to limit access to the permitted and improved access points. We would recommend a low split rail or similar fencing be provided along the south property line of lots 17 thru 20.

In considering the recommendations concerning the fencing/ screening of portions of the proposed vehicle service and repair business and the requirements for access permits it is recommended that the terms and conditions of an approval of this SUP application specify a method and/ or time frame for ensuring that these required permits and improvements are completed within a reasonable time frame. One suggestion would be to include a condition of approval that the access permits and associated improvements, as well as the installation of the required fencing be in place and determined to be acceptable to the Road & Bridge Superintendent and the Planning Director prior to issuance of a Certificate of Occupancy for the

proposed addition to the auto repair garage or within 120 day from the date the BOCC approves the rezoning of these lots to WMLI.

There are two single family residences adjacent to the applicant's proposed business and new parking area. One of the homes is the applicant's personal residence and the other is located directly behind the proposed parking area on Lots 17-20. There is also a single-family residence on the south side of Skalla Road directly across from the auto shop. The remaining parcels to the north and west are owned by the applicant. Dwayne Dixon, an adjacent neighbor, across the alley to the north, has commented that he has no objection to these pending applications. No other comments have been received from neighboring property owners. Including in the CPC packet for these applications is an aerial photo of the subject property and surrounding properties identifying the current land ownership and existing land uses.

Staff recommends approval of the Rezoning of Lots 13-20 Skalla Subdivision #2 from the Wright's Mesa (WM) Zone District to the Wright's Mesa Light Industrial (WMLI) Zone District to the BOCC finding it consistent with Wright's Mesa Master Plan and County Land Use Code Section 5-1803 Rezoning.

Staff recommends approval of the Vehicle Service and Repair Business Special Use Permit as presented finding the proposed uses to be consistent with Land Use Code Section 5-319-3 Table of Allowed Uses; Section 5-319 H. IV. d. Vehicle Service and Repair, and Section 5-319 I. Site Development Standards for Uses on Wright's Mesa with the following conditions contingent upon receiving approval of the WMLI Zoning from the BOCC:

1. The Special Use Permit will run with the land and is subject to the specific approved site plan. Any changes to this approval and site plan will require the applicant or subsequent owner to reapply to the County and/or obtain Administrative approval of the proposed changes in accordance with the applicable Land Use Code Standards prior to implementing any changes to the approved site specific plan.
2. An annual review will be conducted by the Planning Department to include referrals to the County Building Official, Environmental Health Director, and County Road Superintendent for 3 years from the date of this approval for compliance with the stated conditions of approval, environmental concerns, and all representations made by the applicant. After the third year of operation the Planning Commission will review the application for compliance with the terms and conditions of approval. If during these reviews, or in response to public complaints, it is determined that the applicant has not or is not complying with the terms and conditions of this Special Use Permit this matter may be scheduled for review by the Planning Commission who may allow the use to continue, add additional terms and conditions of approval to address impacts and/or suspend or revoke the Special Use Permit.
3. No outside storage of materials, dismantled vehicles or inoperable equipment shall be stored outside of the permitted structures.
4. The applicant shall construct a minimum 6-foot high fence along the west side of Lot 20. This fence shall be constructed of wood to match the existing fencing on Lot 16 unless an alternative is approved by the County Planning Department.

5. The applicant shall comply with the comments provided by the County Building Official in his June 23, 2015 email and the County Environmental Health Director in his June 22, 2015 email.

6. The applicant shall comply with the comments provided the County Road Superintendent in his July 23, 2015 email as follows:

- a. Resolution 2007-1 approving the existing auto repair business required that the applicant abandon the access to Lot 16 and re-apply for access to Lots 14 and 15 as shown on his original application. This condition has not been completed. Road & Bridge is recommending that the application apply for access to Lots 14 and 15 and abandon access to Lot 16 as previously required.
- b. The current proposal is showing parking on Lots 17-20 with no access plan. As a condition of approval the applicant shall submit an application for a Road & Bridge access permit on these lots showing a clear access plan that identifies one point of entry to the County Road rather than what appears to be random access of Skalla Road.
- c. No parking will be allowed on the county roads or right-of-ways including Hazel Street, CR 42.9Z, Skalla Road, CR Z42.9, Vail Street, or CR 42.8Z. In addition, the alley north of the existing repair shop between Hazel Street and Vail Street must be kept clear at all times for emergency access.
- d. No business signs or other advertising will be permitted in the county road right-of-way.

7. Hours of Operation Monday through Saturday from 7 a.m. to 6 p.m.

8. All exterior lighting will be shielded. No outdoor lighting shall be installed on lots 17 - 20.

9. All signage will comply with Land Use Code Section 5-704 Signs.

10. Building will be sided with wood and roofed with colored non-reflective metal roofing.

11. Cars parked overnight on site shall have a valid current registration and license.

12. All service and repair work shall occur within the building not in the open.

13. The Road and Bridge access permits and associated improvements, as well as the installation of the required fencing shall be in place and determined to be acceptable to the Road & Bridge Superintendent and the Planning Director prior to issuance of a Certificate of Occupancy for the proposed addition to the auto repair garage or within 120 day from the date the BOCC approves the rezoning of these lots to WMLI.

14. Approval of this special Use Permit is not an approval or authorization to operate a car or vehicle sales lot on the subject lots.

15. All written representations of the applicant, in the original submittal and all supplements, are deemed to be conditions of approval, except to the extent modified by this Resolution.

Review Standards

Section 5-319 H.VI. D. Vehicle Service and Repair and Parts Sales (indoor)

Land Use Code Section 5-319 H.VI. D. Vehicle Service and Repair and Parts Sales (indoor) establishes standards for these services:

- i. Frontage: To the maximum extent feasible, the entrance to a vehicle repair bay shall not face the primary street frontage.
- ii. Screening and Storage: Vehicle service bays facing a rear or side setback shall be screened from adjacent residentially zoned properties. All parts and equipment shall be stored indoors at all times or screened from off-site view by a wall or fence that is at least six feet in height.
- iii. No off-site parking for vehicles awaiting repairs shall occur.

Land Use Code Section 5-319 I. Site Development Standards establish standards to address landscaping and screening, lighting, public health and safety to minimize adverse impacts (noise, smoke, odors, hazard materials, etc.) and the Highway 145 scenic corridor.

5-319 I. Site Development Standards

Uses on Wright's Mesa shall comply with the following site development standards.

I. General Wright's Mesa Standards

All development shall comply with the standards set forth in Section 5-6, which establishes service standards; Section 5-7, which establishes improvement standards (including but not limited to parking drainage and flood control, signs, lots, monuments, and landscaping); Section 5-8, dedication standards (including but not limited to parks and public area, school land); and the following:

a. Landscaping and Screening

- i. The Planning Commission and the Board of County Commissioners may require planting of trees and other plant material to mitigate visual impacts of development.

b. Lighting

i. General Lighting Standards

Lighting regulations regulate outdoor night-time fixtures to preserve, protect, and enhance the dark sky while conserving energy, permitting reasonable and safe use of outdoor night-time lighting, minimizing glare and obtrusive light, and helping to protect the natural environment from the damaging effects of night lighting. All outdoor fixtures shall be required to shield exterior lighting to prevent direct visibility of light bulbs from off-site. All exterior lighting shall be directed toward the ground or the surface of a building. High-intensity sodium-vapor and similar lighting are prohibited.

ii. **Exempt Lighting**

The following are exempt from the requirements of this Section:

- (a) Outdoor lighting fixtures existing or legally installed prior to the effective date of this Section; however, when existing lighting fixtures are repaired or replaced, they will be subject to the provisions of this Section.
- (b) Outdoor lighting fixtures that are necessary for worker safety at farms, ranches or dairies. IDA full-cutoff shielding is encouraged.
- (c) Outdoor lighting for stairs, ramps, exit signs, and other illumination required by building code, as long as IDA full-cutoff shielding is employed.
- (d) Holiday or temporary lighting (less than 30 days use in any one year).
- (e) Emergency lighting used by police, firefighters, or medical personnel and that is in operation as long as the emergency exists.

II. Additional Site Development Standards for WMTR and WMLI Zone Districts

All uses on Wright's Mesa in the Norwood Master Plan Boundary are subject to the general site development standards in subsection I above plus the following additional standards:

a. Lighting Standards for WMTR and WMLI Zone Districts

The following lighting standards apply in the WMTR and WMLI Zone Districts.

- i. **High Intensity sodium-Vapor Prohibited.**
High-intensity sodium-vapor and similar lighting shall be prohibited.
- ii. **Shielding and Lighting Design**
All exterior lighting installations subject to this Code shall be designed and installed to be fully shielded ("full cutoff," as described by the International Dark-sky Association (IDA)). In residential area, lights should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter. Parking lots and other background spaces shall be illuminated as unobtrusively as possible with full cut-off shielding while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare. In no case shall exterior lighting directly illuminate any point off-site.

b. Performance Standards

All uses shall conform in operations, location, and construction to the subject performance standards herein specified so that the public health, safety, and welfare will be protected. The location, size, design, and operating characteristics of all uses shall minimize adverse impacts, including visual impacts on surrounding properties.

- i. Noise: It is unlawful for any person to make, continue, or cause to permit to be made or continue any unreasonable noise upon any premises under such person's control or operation. "Unreasonable noise" means any sound or such level or duration as to be or tend to be injurious to human health or welfare, or which would interfere with the enjoyment of life or property. Noise shall not exceed 55 dBA at the lot line.
- ii. Smoke and Particulate Matter: No operation or use shall at any time create smoke and particulate matter beyond the property perimeter of the source of operation that causes a nuisance or distracts from the use and enjoyment of adjacent property.
- iii. Odors: No use shall be located or operated in any district that involves the emission of odors from a source of operation where the odors are noticeable beyond the property perimeter.
- iv. Fire and Explosive Hazard Materials: No use involving the manufacture or storage of compounds or products that decompose by detonation shall be permitted, except that chlorates, nitrates, phosphorous, and similar substances and compounds in small quantities for use by industry, school laboratories, pharmacists, or wholesalers may be permitted when approved by the Norwood Fire Protection District as not presenting a fire or explosion hazard. The storage and use of all flammable liquids and materials shall only be permitted when such use conforms to county standards.
- v. Toxic Materials: No operation shall emit a concentration across the property perimeter of toxic or noxious matter that will exceed threshold limits set forth by the Colorado Department of Health.
- vi. Vibration: No operation or use shall at any time create earthbound vibration across the property perimeter of the source of operation that creates a nuisance or distracts from the use and enjoyment of adjacent property.

II. Highway 145 Scenic Corridor Standards

These standards are intended to protect the scenic resources along Highway 145, including those lands adjacent to and most visible from State Highway 145 which substantially contribute to the unique visual character of Wright's Mesa or the entrance to Norwood. The standards steer development away from the most highly visible sites and ensure that developments are designed to complement the natural features to maintain an aesthetically pleasing, rural approach to Norwood. Land development may be clustered elsewhere on a site, as may be appropriate.

a. Applicability

Development on any parcel of land (or any portion of land) that falls within 100 feet of the right-of-way of Highway 145 on Wright's Mesa shall comply with these standards.

b. Exemption

These standards do not apply to agriculture (use of land for the production of food, including crops, pasture, raising of livestock, greenhouses or accessory uses or structures ancillary to the primary agricultural use).

c. Standards

Development within 100 feet of the Highway 145 right-of-way shall generally comply with the standards in this Section. Compliance with every standard is not required, but developments shall comply with the cumulative intent of these standards:

- i. Utilize existing topography such as dry ridges and hills to screen buildings to the maximum extent possible from the highway.
- ii. Design developments to complement the natural topography of the land, whenever possible and appropriate.
- iii. Utilize innovative architectural techniques such as earth sheltered design and clustering of structures in the least visible portion of the site.
- iv. Design structure height and bulk to avoid to the maximum extent possible visibility from the highway.
- v. Avoid locating uses on the highest ground or most visible sites from the highway.
- vi. Cluster development outside of the 100-foot setback or on a suitable site with the least possible visual impact on the highway.
- vii. Avoid development within wetland and wildlife habitat areas.
- viii. Utilize landforms and earth moving to complement and enhance development rather than as primary devices for screening development from the highway.



Raymond Cossey
P.O. Box 681
21 Hazel St
Norwood, CO 81423
970-327-4424

June 17, 2015

Planning Department
San Miguel County
P.O. Box 458
Telluride, CO 81435

Dear Mike,

I am writing to address the standards you outlined in your June 10th, 2015 letter.

5-1803 Rezoning

a, b, c

It is my belief that there are no conflicts with any applicable sections of the land code. It's consistent with the San Miguel County Comprehensive Development Plan. It is compatible with surrounding zone districts and land uses, existing land and the neighborhood characteristics. There are no public facilities in the immediate area to be impacted.

There would be no significant adverse impacts on the natural environment and is consistent and compatible with the surrounding community character.

After conversations with adjacent, immediate neighbors and property owners. I feel confident that there are no conflicts with public interest and the surrounding neighborhood supports the proposed amendment. I do not feel there would be any additional traffic generation or safety concerns.

5-319H

d.

The primary bay door faces the primary street. However it does face away from the hwy 145 corridor.

All parts and equipment will be stored indoors or screened with a fence of at least six feet in height.

Parking will be limited to lots 13 through 20 and will not occur on other property. Total parking capacity proposed is twenty five spaces, this includes the proposed eighteen spaces.

5-319I

development will comply with current standards. Any commercial signage will
orm to standards.

All
conf

a. Landscaping and screening

Screening will be a fence of at least six feet in height and constructed of wood and or metal.

No Trees or shrubs are incorporated in the plan as of now, because of the inability to water them. My well is not permitted for outside irrigation use.

b. Lighting

i. All lighting currently conforms to the lighting standards. Any additional lighting will conform to all standards.

Additional lights will be as current lights, shielded and directed towards the building or directly at the ground.

ii. Exempt Lighting

All standards in this section will be adhered to.

II. Additional site development standards for WMTR and WMLI Zone Districts

All Lighting will conform to all additional standards in this section

b. Performance Standards

i. No unreasonable noise has or will be generated and will not exceed 55 dba at the lot line.

ii. No smoke or particular matter will be generated that causes a nuisance.

iii.

iv. There is no manufacture of explosive or hazardess materials.
The storage of all flammable materials are stored in the containers we receive them in.

Example: Aerosol cans, gallon and quart containers and or plastic or metal drums.

Waste fluids are stored in the same containers I receive them in and then disposed of with a licensed carrier and facility.

v. No concentration of toxic or noxious matter will be emitted.

vi. No operations will cause earthbound vibration across the property line.

Respectfully,
Raymond Cossey

Raymond Cossey
P.O. Box 681
21 Hazel ST
Norwood, CO. 81423
970-327-4424

RECEIVED
4-13-15

April 7, 2015

Planning Department
San Miguel County
P.O. Box 548
Telluride, CO, 81423

Re: Request to amend CPC Resolution 2007-1 and rezone to the New Wrights Mesa Zoning.

Ladies and gentlemen:

This letter is to address the requirements to amend CPC resolution 2007-1 and rezone to the New Wrights Mesa Zoning for the property described below. I am the owner of record of the subject property and the applicant. Lots 13 thru 20, Skalla Subdivision #2.

If approved my intent is to construct an addition to my existing facility, add adjacent lots, additional parking, storage facilities with a covered roof and a roof over the rear porch area.

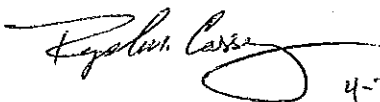
It is my intent to provide ample screening/fencing to mitigate the visual impacts from the Hwy 145 corridor and neighbors. This should lessen the impact of this business on the existing neighborhood. The screening will be constructed at a minimum height of six feet and constructed of wood or metal materials.

It is my belief that this amendment and rezone would be consistent with both the new and old Wrights Mesa Zoning as a small business use and would fit into the existing neighborhood. There are several businesses located within close proximity. Young Enterprises property, Foreign Cars LTD, Bureau of Land Management, and the San Miguel Veterinary Clinic. At least three of these properties have had considerable growth.

Virtually no view corridor will be affected by this proposed rezone and amendment change. Construction would begin as soon as permits allow. The required 8 ½ inch by 11 inch site utilization map is included, and there are no wet land areas or areas of state or local interest near this site.

It is anticipated that the construction of the proposed addition will disturb very little of the surrounding area not within the foot print. The areas immediately adjacent will be reseeded with a Native Dry land pasture mix. This type of revegetation should prove to be quite natural in appearance and require minimal maintenance and weed control going forward.

Respectfully,
Raymond Cossey


4-7-15

Raymond Cossey
P.O. Box 681
21 Hazel ST
Norwood, CO 81423
970-327-4424

June 1, 2015

Planning Department
San Miguel County
P.O. Box 548
Telluride, CO 81428

Dear, Planning Department

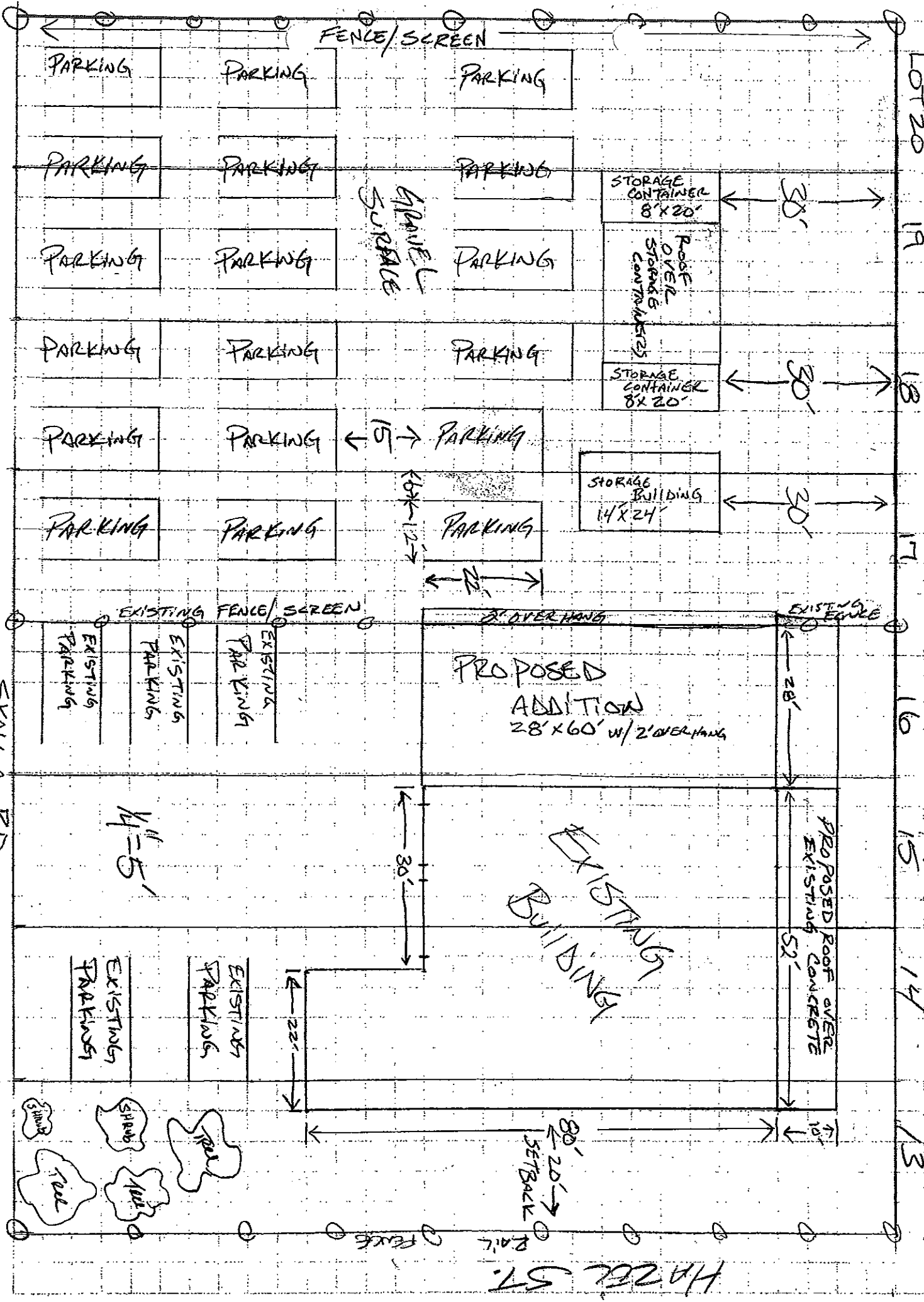
I am writing to follow up on the recent May, 27th letter I received from you to address sizes, dimensions, surface of parking area and drainage.

- 1.) Storage building and containers are approximately 30 feet from the north property line.
 - 2.) Parking spaces are approximately 12 feet by 22 feet and have approximately six feet in between and 10 feet and 15 feet on the ends.
 - 3.) Parking surface is gravel with no plans to improve over that.
 - 4.) There is no drainage issues, no improvements needed.
 - 5.) HOURS OF BUSINESS - 7 A.M - 6 P.M, MONDAY - SATURDAY
- These dimensions and sizes are now on the site plan

Respectfully,
Raymond Cossey



Revised Site Plan 6/20/15



Form No.
GWS-25**OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES**
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

WELL PERMIT NUMBER 272784

DIV. 4

WD 60

DES. BASIN

MD

APPLICANT

Lot: 16 Block: 1 Filing: 2 Subdiv: SKALLA

FLEET SERVICES
PO BOX 681
NORWOOD, CO 81423-APPROVED WELL LOCATION

SAN MIGUEL COUNTY

NE 1/4 NE 1/4 Section 27

Township 45 N Range 13 W New Mex P.M.

DISTANCES FROM SECTION LINES

178 Ft. from North Section Line

435 Ft. from East Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting:

Northing:

(970) 327-4424

PERMIT TO CONSTRUCT A WELLISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHTCONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(i).
- 4) The use of ground water from this well is limited to drinking and sanitary facilities for a commercial business. Water from this well shall not be used for lawn or landscape irrigation or for any other purpose outside the business building structure.
- 5) The pumping rate of this well shall not exceed 15 GPM.
- 6) The annual amount of ground water to be diverted by this well shall not exceed 1/3 acre-foot (108,600 gallons).
- 7) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 8) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 9) This well shall be constructed not more than 200 feet from the location specified on this permit.

NOTE: Permit 263061 (HUO) previously issued for this lot. The issuance of this permit cancels permit no. 263061.

2/26/07 BT

2/27/07 JPW

APPROVED
RDT

State Engineer

Receipt No. 9402363

DATE ISSUED 02-26-2007

By

EXPIRATION DATE

02-26-2009

Cossey Property



1: 1,641

0.1 0 0.03 0.1 Miles

NAD_1983_UTM_Zone_13N
 © Latitude Geographics Group Ltd.

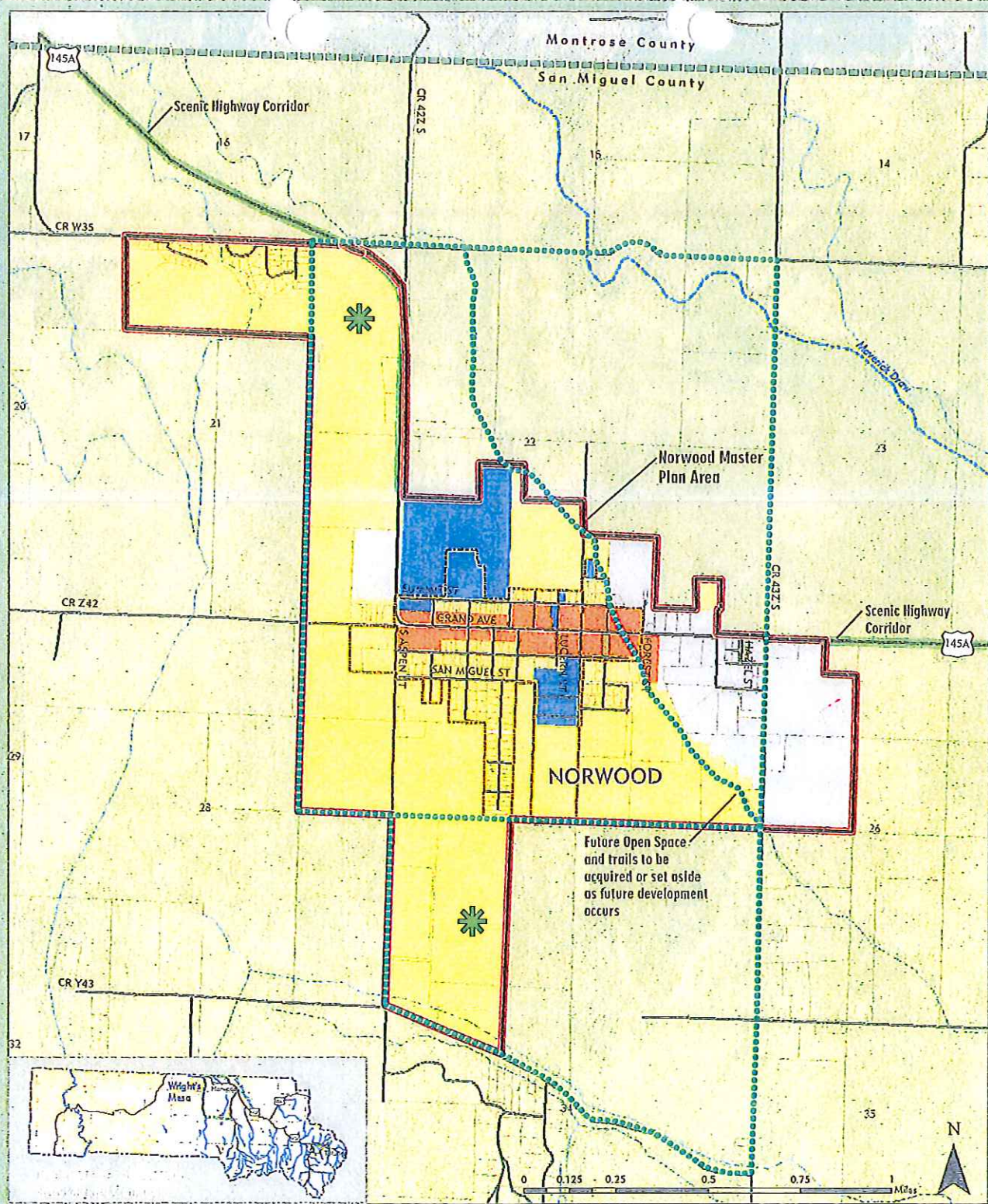
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION
www.sanmiguelcountyco.gov/maps

Legend

- Parcel Boundaries
- Roads (>1:2,000)
 - Arterial
 - Main
 - Local
 - Primitive
- Town Boundaries
- County Boundaries

Notes



Wright's Mesa Master Plan

Sun Miguel County, Colorado

Figure 4.2

LEGEND

Boundaries

- Wright's Mesa Planning Area
- County Boundary
- Town Limits (Norwood)
- Norwood Master Plan Area

- Local Road
- County Road
- Highway
- River or Stream

Town of Norwood and Master Plan Area

- Norwood Commercial
- Light Industrial
- Public
- Town Residential
- Future Park (location to be determined)
- Future Trail (Norwood)

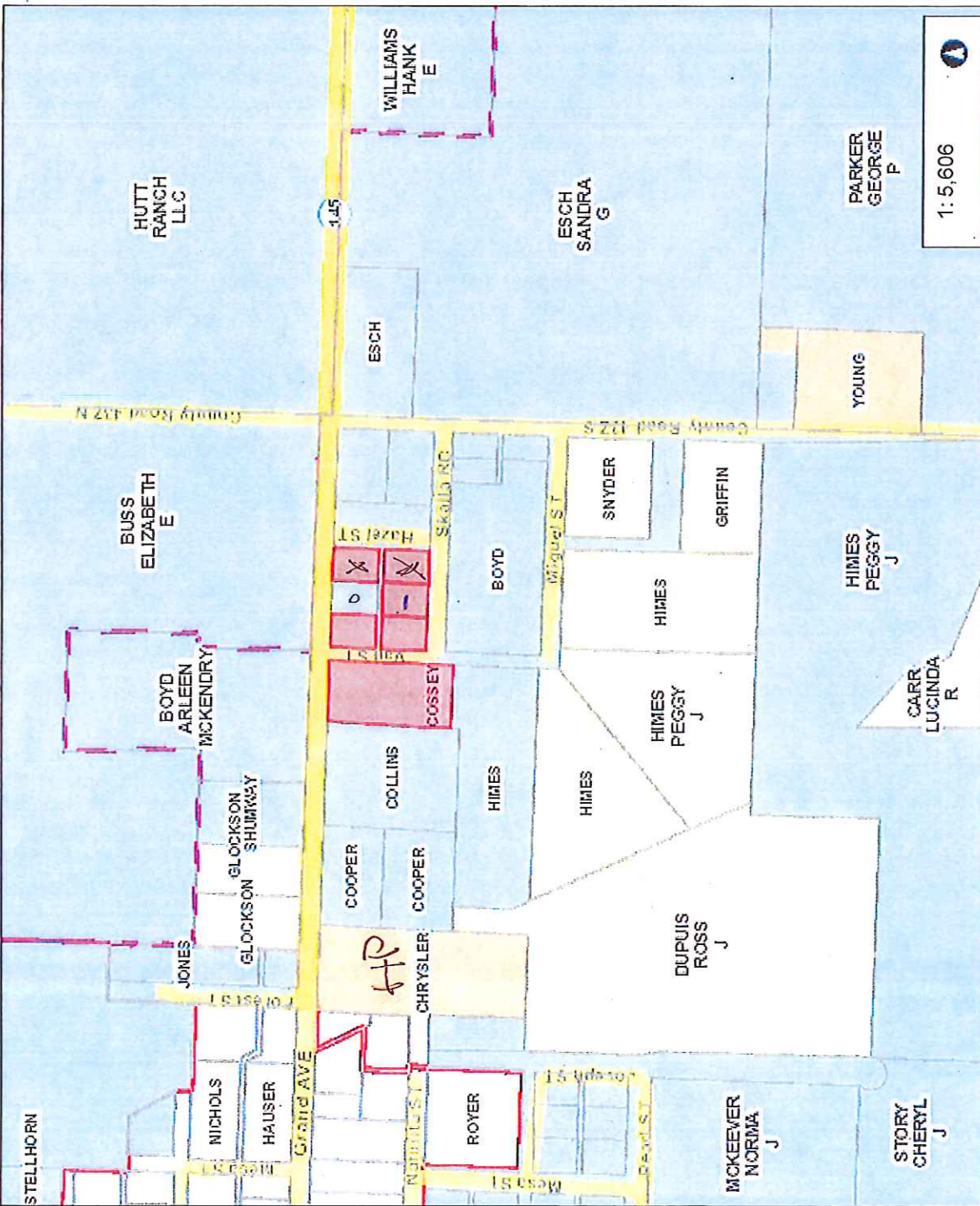
Outside Norwood Master Plan Area

- Agriculture/Rural Residential

Source: San Miguel County GIS, Clarion Associates

February 2008

FUTURE LAND USE - NORWOOD MASTER PLAN AREA



1: 5,606

0.2 Miles 0 0.09 0.2 Miles

NAD_1983_UTM_Zone_13N
 © Latitude Geographics Group Ltd.

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION
 www.sanmiguelcounty.org/maps

Legend

Parcel Boundaries

Roads (1:4,000 - 1:6,000)

Arterial
 Main
 Local
 Primitve

Norwood Future Land Use are.

County Zoning

COUNTY ACCOMMODATIONS & RECREATION
 COUNTY AFFORDABLE HOUSING
 COUNTY FORESTRY/AGRICULTURE
 COUNTY HEAVY COMMERCIAL
 COUNTY HIGH COUNTRY AREA
 COUNTY INDUSTRIAL
 COUNTY LOW DENSITY
 COUNTY MEDIUM DENSITY
 COUNTY MOBILE HOME
 COUNTY PLACERVILLE COMMERCIAL
 COUNTY PLACERVILLE RESIDENTIAL
 COUNTY PLANNED UNIT DEVELOPMENT
 COUNTY PUBLIC
 COUNTY RANGELAND/GRAZING
 COUNTY RESIDENTIAL
 COUNTY SPLIT SEE NOTES
 TOWN COMMERCIAL
 COUNTY WEST END
 COUNTY WRIGHTS MESA

Notes

**RESOLUTION OF THE PLANNING COMMISSION
OF SAN MIGUEL COUNTY, COLORADO,
APPROVING A SPECIAL USE PERMIT FOR AN AUTO REPAIR BUSINESS
ON LOTS 13-16, SKALLA SUBDIVISION #2, ZONED WRIGHT'S MESA (WM)**

Resolution 2007-1

WHEREAS, Ray Cossey, owner of Lots 13-16 (approximately .33-acres), Block 1, Skalla Subdivision #2, zoned Wrights Mesa, and located approximately 1/4-mile east of the Town of Norwood off State Highway 145 on Naturita Street, seeks an Auto Repair Business Special Use Permit with no more than 5 cars stored or parked overnight outside the building;

WHEREAS, the applicant states he would like to construct a 40'x60' (2400 sq. ft) building with a 22'x20' waiting room (220 sq. ft.) for a total of 2620 sq. ft., on the four lots to house an automotive repair shop and office. The structure includes a 12' by 60' overhang that the applicant would like to enclose at a future date, and would be less than a two-story building (approximately 21' in height), sided with wood and roofed with colored metal roofing. The garage bay doors would face south away from the highway and repair cars parked on the south side of the building. There are currently no other structures on the subject parcel;

WHEREAS, the applicant proposes to operate Monday through Friday, 8am to 5pm, with no operation on Saturday or Sunday. The applicant states that all exterior lighting will be shielded and signage will comply with Land Use Code Section 5-704 Signs;

WHEREAS, the Skalla Subdivision #2 currently has two Single-family Residences adjacent to the proposed auto repair shop (the applicant owns one of these). There are two vacant lots within the Subdivision to the west of the subject lot. The BLM office and vet clinic are to the east as well as a Single-family Residence and 4 Single-family Residences are south of the subject parcel;

WHEREAS, the Wright's Mesa Zone District purpose statement states: the Zone District is intended to preserve the rural and agricultural character of Wright's Mesa while encouraging compatible, diverse economic opportunities that fit in with the rural landscape. Wright's Mesa has a history of co-existing agriculture and ranching, residential and small business uses that comprise its rural character. Each WM parcel is allowed a single-family dwelling, home occupation and/or normal and customary agriculture and ranching activities, plus a second Principal Use, whether by Right or Special Review.;

WHEREAS, this application requires one-step Planning Commission review pursuant to Land Use Code Sections 5-319 E, XV. Auto repair with no more than 5 cars stored or parked overnight outside the building, and 5-319 K. Special Use standards for Wright's Mesa. Land Use Code Policy Section 1-20 Call-Up of Land Use Decisions by the

Planning Commission and Section 1-19 Appeal of Planning Commission Decisions shall also apply to this application;

WHEREAS, while the auto repair use does not specify a size limitation in Section 5-319 E. XV. the Wright's Mesa Zone District lists a One-step CPC review process (5-319 B. XI.) for repair service shops up to 2,000 sq. ft. and a Two-step review process (5-319 G. III.) for repair service shops greater than 2,000 sq. ft.;

WHEREAS, Land Use Code Section 5-702 E. Auto Repair Shops, establishes parking requirements of two spaces per grease rack and one space per 200 square feet of general repair area. The applicant lives on an adjacent parcel and will walk to work;

WHEREAS, in a January 8, 2007 Email, County Environmental Health Director David Schneck states that a water supply and wastewater disposal system will need to be reviewed and evaluated if the applicant proposes to have a plumbing in the proposed garage. He also suggests the applicant commit to a noxious weed control program;

WHEREAS, in a January 9, 2007 memorandum, County Building Official Gary Hodges states that a commercial repair garage will be required to have a toilet, hand-washing sink and service sink. If the business no more than 15 employees a unisex design for the toilet room is acceptable. Mr. Hodges also suggests the applicant provide an accommodation for persons with physical disabilities. Another issue is the installation of an oil separator to prevent contamination of the sewage system and/or land area adjacent to the structure;

WHEREAS, in a letter received January 19, 2007 the applicant states he is currently trying to permit his existing well on an adjacent residential property for the proposed use. If he cannot receive a permit for the commercial use the applicant intends to install a fresh water holding tank to supply the garage. The applicant states he will also provide a unisex toilet facility that meets federal standards for persons with physical disabilities, a service sink, a hand washing sink and an oil separator that meets all code requirements;

WHEREAS, in a January 23, 2007 memorandum County Road Superintendent Mike Horner provided the following comments:

1. The applicant was issued a Driveway Permit in 2005 on Lot 16, Skalla Subdivision and is currently requesting access on portions of Lot 14 and Lot 15. The applicant must reapply for a driveway in the location as shown on his drawing and must abandon and remove the existing driveway on Lot 16 as a condition of approval.
2. No parking along the County Road will be permitted.
3. No business signs or other advertising signs will be allowed in the County Road right-of-way;

WHEREAS, in a January 15, 2007 letter, Mayor Kerry Welch states the proposed use is in compliance with the Town's current Master Plan and the Town has no objection to the proposed auto repair garage;

WHEREAS, the Planning Commission of San Miguel County, Colorado, considered this application, along with relevant testimony from the public, at a public meeting on February 14, 2007 and made the following findings: 1. that the application meets the Review Standards for all WM Zone District Special Uses as set forth in Land Use Code Sections 5-319 K., 2. that it is consistent with the purpose statement and provisions of the Wright's Mesa Zone District and 3. this application is consistent with the Town of Norwood Master Plan (1996 Future Land Use Plan).

NOW THEREFORE BE IT RESOLVED that the Planning Commission of San Miguel County, Colorado, hereby unanimously conditionally approves a Special Use Permit for an Auto Repair Business with no more than 5 cars stored or parked overnight outside the building with the following conditions:

1. The Special Use Permit will run with the land subject to a specific approved site plan. Any changes to this approval and site plan will require the applicant or subsequent owner to reapply to the County and obtain approval for the proposed changes in accordance with the applicable Land Use Code Standards.
2. An annual review will be conducted by the Planning office to include referrals to the County Building Official and Environmental Health Director for 3 years from the date of initiation of this use (Certificate of Occupancy) for compliance with the stated conditions of approval, environmental concerns, and all representations made by the applicant. After the third year of operation the Planning Commission will review the application for compliance with the terms and conditions of approval.
3. No outside storage of materials shall be allowed except limited outdoor storage and trash disposal may be authorized in a small enclosed area within the roof overhang, as well as allowing materials to be moved and set outside for disposal on the day of trash pickup. A revised site plan depicting this trash and storage area shall be submitted to the Planning Department for review and approval.
4. The applicant shall provide a minimum 6-foot high wood fence on the west property line which screening may be modified and enhanced with Planning Department approval.
5. The applicant will consult with and obtain approval from the Planning Department for the necessary screening, fencing, and landscaping for the parcel, and siding and roofing materials for the building to meet the intent of the Wright's Mesa Special Use Standards.
6. The applicant shall comply with the comments provided by the County Building Official, County Environmental Health Director and the County Road Superintendent, as set forth in the February 14, 2007 memorandum from Planning Department staff to the County Planning Commission.
7. That all representations made by the applicant in the application and amendments are conditions of approval unless specifically modified by this Resolution.

BE IT FURTHER RESOLVED, that the following applicant representations are conditions of approval:

1. Hours of Operation: Monday through Friday, 8 am to 5 pm.
2. No work/business will occur on the weekends.
3. All exterior lighting will be shielded.
4. All signage will comply with Land Use Code Section 5-704 Signs.
5. Building Height will not exceed 22 feet.
6. Building will be sided with wood and roofed with colored metal roofing.

BE IT FINALLY RESOLVED that the applicant shall consider an access driveway from the east off County Road 43ZS to determine if it is feasible as an alternative access.

DONE AND APPROVED by the Planning Commission of San Miguel County, Colorado on March 14, 2007.

SAN MIGUEL COUNTY PLANNING COMMISSION

By: Kris Holstrom
Kris Holstrom, Chair

Kris Holstrom	Aye	Nay	Abstain	Absent
Pamela Hall	Aye	Nay	Abstain	Absent
Joe Reagan	Aye	Nay	Abstain	Absent
Curtis Odom	Aye	Nay	Abstain	Absent
Leo Taylor	Aye	Nay	Abstain	Absent
Joel Coniglio	Aye	Nay	Abstain	Absent
Brian Ahern	Aye	Nay	Abstain	Absent



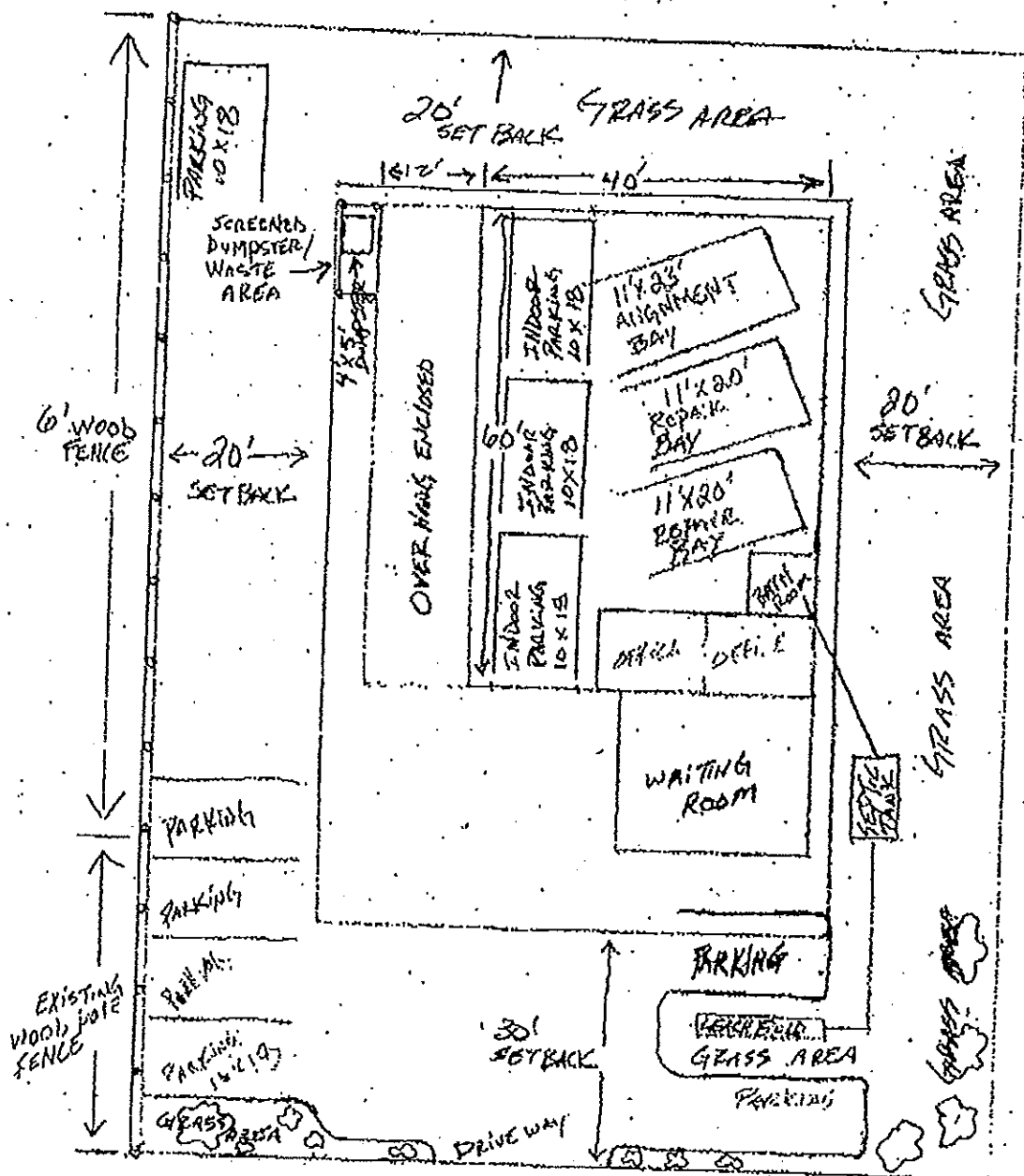
ATTEST:

By: Amy Bosse
Amy Bosse, Planning Technician

[word/text/Skalla.lots13-15.sup.auto]

391361 03-19-2007 Page 5 of 8

N 1



- 1260 SQ. FT. PARKING
- 15% LAND SCAPING = 189 SQ. FT.
- 1260 SQ. FT. PARKING ONE TREE
- PER 300 SQ. FT. = 4.2 TREES

☺ = TREE

☻ = SHRUB/BUSH

SCALE 1/4" = 5'

40' x 60' MAIN BUILDING

22' x 20' WAITING ROOM

12' OVERHANG ON WEST SIDE

TO BE ENCLOSED AT A FUTURE DATE

SAN MIGUEL COUNTY
PLANNING DEPARTMENT



P.O. Box 548, 333 West Colorado Avenue, 3rd Floor, Telluride, CO 81435
Phone (970) 728-3083 Fax: (970) 728-3098 E-mail: planning@sanmiguelcounty.org

March 16, 2007

Ray Cossey
P.O. Box 681
Norwood, CO 81423

RE: Terms and Conditions of Approval of the Special Use Permit for
An Auto Repair Business on Lots 13-16 in the Skalla #2 Subdivision

Dear Ray,

I am writing to follow-up on our meeting on-site earlier this week when we discussed the terms and conditions of the Special Use Permit as approved by the Planning Commission at their meeting on February 14, 2007, several "minor" amendments to the Special Use Permit as proposed in your letter and revised site plan dated March 1, 2007, and the specific screening, fencing, landscaping, and siding and roofing materials proposed for the building to meet the intent of the Wright's Mesa Special Use Standards (LUC 5-319K).

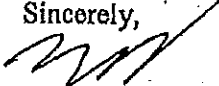
1. The Planning office acknowledges that as a part of this Special Use Permit approval you may enclose the 12' x 60' overhang on the west side of the building as depicted on the 3-1-07 site plan at a future date as proposed. If this is not included in the initial Development Permit and Building Permit a separate Development Permit will be required for this improvement. You may not however use this area for storage of cars or materials unless or until this overhang area is enclosed.
2. The Planning Commission in approving this Special Use Permit conditioned their approval on there being no outside storage of materials except limited outside storage and trash disposal may be authorized in a small enclosed area within the roof overhang, as well as allowing materials to be moved and set outside for disposal on the day of trash pick-up. Considering the plans to enclose this roof overhang area in the future and the "headroom" required for loading and unloading a trash dumpster, I hereby authorize a "Minor" Amendment to this Special Use Permit, pursuant to LUC 5-1003, to allow an approximately 8' x 12' trash enclosure to be constructed west of and outside the overhang as depicted on the 3-1-07 site plan. It is understood that this trash enclosure will be constructed with the same wood fencing as the fence that is to be constructed along the west property line.

3. The Planning Commission's approval of this Special Use Permit for an Auto Repair Business with no more than 5 cars stored or parked overnight outside the building was conditioned on your providing a minimum 6-foot high wood fence along the west property line which screening may be modified and enhanced with Planning Department approval. You had asked to end the solid wood fence at the front of the building and then continue with the existing wood rail fence. Considering the proposed location for storing or parking cars, as shown on the submitted site plan, and the need to retain access to the trash dumpster and maintain backing and maneuvering area, I would not approve or authorize this requested change. Rather the 6-foot high wood fence should be extended on the west property line to the south end of the identified parking spaces to the "grass area" as shown on your submitted site plan.
4. Your application for this Special Use Permit indicated that your proposed building would be sided with wood and roofed with a colored metal roof. You have subsequently asked to side the lower portion of the building, approximately four feet in height with wood siding, and to be able to side the rest of the building with metal siding. The WM Special Use Standards (building materials) encourage use of predominately natural building materials, such as wood siding and native stone, corrugated metal buildings are discouraged. I would authorize this change to use a combination of wood and metal siding as depicted on the submitted drawing, subject to the metal siding being a natural earth tone and muted color to blend in with the surroundings, we discussed a low glare, natural tan or beige color for this siding. It is my understanding that the colored metal roofing is to be a non-reflective dark green.
5. I find that the proposed landscaping and planting of trees, as identified in your letter and depicted on the site plan dated 3-1-07, to be consistent with the applicable Special Use Standards for the WM Zone District. It should be understood that you will also need to control the noxious weeds on your property as recommended by the County Environmental Health Director.
6. We also discussed the Planning Commission's request that you consider revising your proposed access so the driveway would be from the east off Hazel Street rather than from Naturita Street. In viewing the property and specifically the well location, which in turn determines the location of the septic and leach field I understand the limitations and practical difficulty in relocating the proposed driveway to the east side of the property. In order to locate the driveway as shown on the current site plan you will need to reapply and obtain a driveway permit from the County Road and Bridge Department. As a condition of approval for access on lots 14 and 15, the existing driveway on Lot 16 must be abandoned and removed.

In summary, upon receipt of a Development Permit application consistent with your 3-1-07 letter and site plan and the terms, conditions, and specific information contained in this letter, to include a driveway permit from the Road & Bridge Department, the Planning office would issue you a Development Permit that then authorizes you to apply for a Building Permit from the Building Department.

If you have any questions concerning the terms and conditions of approval or any of the information and comments in this letter, please do not hesitate to contact me.

Sincerely,



Mike Rozycki
Planning Director

cc: Mike Horner, R&B Superintendent
Gary Hodges, Building Official
Dave Schneck, Environmental Health Director

Enc: CPC Resolution 2007-1

[E:\text\Word\Skalla.Sub#2.SUP.Lots 13-16.doc]

MEMORANDUM

TO : San Miguel County Planning Department

FROM : Cindy Chapin, Town of Norwood Planner
planner@norwoodtown.com

RE : Ray Cossey, Skalla Subdivision #2 Lots 12-20
Application for Rezoning, Town of Norwood Referral

DATE : June 23, 2015

The Town of Norwood has reviewed the above-referenced application referral pursuant to the San Miguel County Land Use Code Section 5-319 D. IV.

The Town of Norwood finds that the subject property does not meet the contiguity requirements to be eligible for annexation and will not be eligible in the foreseeable future. The Town of Norwood is also not interested in requiring the applicant to enter into a pre-annexation agreement as municipal water services are not readily available to serve the subject property.

Therefore, the Town of Norwood would like to see the applicant continue through the San Miguel County approval process which the Town of Norwood believes will be thorough, thoughtful and that the Land Use Code standards adequately address the site development.

cc: Patti Grafmyer, Town Administrator



Mike Rozycki <miker@sanmiguelcountyco.gov>

Ray Cossey Rezone Application

1 message

Mike Horner <mikeh@sanmiguelcountyco.gov>
To: Karen Henderson <karenh@sanmiguelcountyco.gov>
Cc: Mike Rozycki <miker@sanmiguelcountyco.gov>

Tue, Jun 23, 2015 at 10:08 AM

Karen,

Please consider the following comments regarding Ray Cossey's application to rezone lots 12-20 from WM to WMLI.

1. Resolution 2007-1 approving the auto repair business for Ray Cossey required that he abandon the access to lot 16 and re-apply for access to lots 14 and 15 as shown on his application. This requirement has not been completed.

Road and Bridge is recommending that the applicant apply for access to lots 14 and 15 and abandon access to lot 16 as previously required in Resolution 2007-1.

The current proposal is showing parking on lots 17,18,19 and 20 with no access plan. I would require, as a condition of approval, that a driveway application be submitted to R&B with a clear access plan that identifies one point of entry to the county road, rather than what appears to be random access off Skalla Road.

2. No parking will be allowed on the county roads or right of way including Hazel Street, CR 42.9Z, Skalla Road, CR Z42.9, and Vail Street, CR 42.8Z. In addition, the alley north of the existing repair shop between Hazel St. and Vail St. must be kept clear at all times for emergency access.

3. No business signs or other advertising will be permitted in the county road right of way.

Although not a county road issue, I would recommend some sort of view screening from Hwy 145 and Skalla Road since the accumulation of several vehicles in for repair will give the appearance of a salvage yard.

Please let me know if you have questions.

Mike

--

Mike Horner, Superintendent
San Miguel County Road Department
PO Box 426
Norwood, CO 81423
970-327-4835
www.sanmiguelcountyco.gov



Mike Rozycki <miker@sanmiguelcountyco.gov>

Let me try again.....

1 message

Doug Barry <doughb@sanmiguelcountyco.gov>
To: Mike Rozycki <miker@sanmiguelcountyco.gov>

Tue, Jun 23, 2015 at 7:05 AM

To: SMC Planning Department:

RE: Cossey Proposed Buildings, June 18, 2015 SMC Building Department Referral.

The property owner describes his intent to construct an addition to his existing shop, create covered storage facilities, and construct a roof over a porch area. Fences equal to or less than 6' in height will not require a building permit.

Please provide floor plans on new and existing spaces. Provide structural plans as need. Tell us about any new mechanical equipment you wish to install.

Feel free to use to the San Miguel County Building Department's Commercial Plan Submittal Checklist as a reference when preparing your plans and contact us with any questions that you may have.

Regards, Doug Barry

Doug Barry
San Miguel County Building Official
P.O.Box 2676
333 West Colorado Ave., 3rd Floor
Telluride, CO 81435

970-728-3923 - Office
970-708-7121 - Cell

doughb@sanmiguelcountyco.gov

www.sanmiguelcountyco.gov
To schedule an inspection call 970-728-3923.

37 DEG 56' 15" N/ 107 DEG 48' 44" W



Mike Rozycki <miker@sanmiguelcountyco.gov>

Ray Cossey rezone and SUP ammendment1 message

Dave Schneck <daves@sanmiguelcountyco.gov>

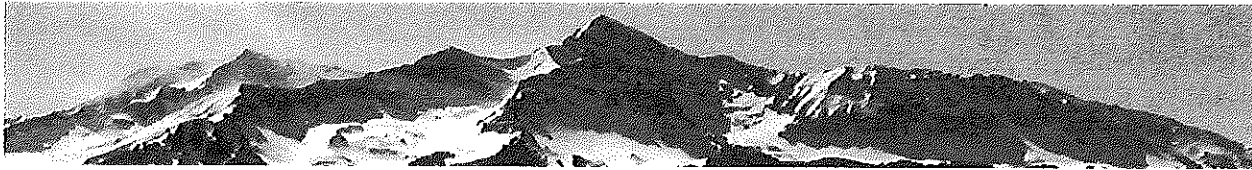
Mon, Jun 22, 2015 at 12:31 PM

To: Mike Rozycki <miker@sanmiguelcountyco.gov>, Karen Henderson <karenh@sanmiguelcounty.org>

I have reviewed the submittal for the referenced proposal. I have no objection to the proposal in general but I think a few things might need to be clarified at this point in the process. The application states no screening with trees can be done due to lack of available outdoor watering. We probably should look at the permit for the existing well and see what the legal limitations are. Normally, an exempt well would not be legal to serve both a residential and commercial use or allow outdoor watering. I'm not sure what the existing situation is but we should make sure whatever we permit conforms to the conditions of the well permit. It may be that an additional well should be drilled on the new lot and one used to serve the residential/domestic use and the other to serve the commercial use. This option may not be available if the lots are merged into a single parcel or a new post 1972 parcel is created. Also, if the new bay has a floor drain it needs to be hooked into the existing sand and grease interceptor and we should verify the alarm system is in place and functional and there should be a request for documentation of where the wastes that are currently be generated are being accepted and the system is being properly used.

Cell 970 729 0017

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PLANNING DEPARTMENT**



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Phone (970) 728-3083 Fax (970) 728-3098

email: miker@sanmiguelcounty.org or karenh@sanmiguelcounty.org

June 10, 2015

Ray Cossey by email: raymondcossey@gmail.com

P.O. Box 681

Norwood, CO 81423

Re: Certification of Application Completeness – for the Rezoning of Lots 13-20, Skalla Subdivision #2 from the Wright's Mesa (WM) Zone District to the Wright's Mesa Light Industrial Zone District (WMLI) and for a New Special Use Permit for a Vehicle Service and Repair Shop in the WMLI Zone District on Lots 13-20, Block 1, Skalla Subdivision #2

Dear Ray,

In April 2015 you sent the Planning Department a letter requesting an amendment to CPC Resolution 2007-1, which set out the terms and conditions of the Planning Commission's approval of a Special Use Permit for an Auto Repair Business on Lots 13 thru 16 with no more than 5 cars stored or parked overnight outside of the building in the WM Zone District. In that same letter you also asked to rezone Lots 13 thru 20, Skalla Subdivision #2 to the New Wright's Mesa Zoning. I understand from our conversations you are applying to rezone the referenced eight (8) lots to the Wright's Mesa Light Industrial (WMLI) Zone District. On May 27, 2015 following our phone conversation I prepared and sent you a Pre-application Conference Summary letter clarifying a number of points concerning your application is for a rezoning and a Special Use Permit for a Vehicle Service and Repair in the WMLI which may be allowed through One-Step Planning Commission review. Your application is not an amendment to the 2007 Special Use Permit but is a new SUP application because it's being applied for under a different zoning with different review standards and also because you're proposing this SUP to include and apply to additional lots.

My May 27, 2015 pre-application letter also identified the Submission Requirements you were to address in your application, i.e. the Standards Report which was to include a written narrative explaining how your proposal meets the standards for rezoning and the Use Specific Standards for your Vehicle Service & Repair business and the General Wright's Mesa Standards, the Additional Standards for the WMLI Zone District and the Performance Standards for (Noise, Smoke & Particulate Matter, Odors, Fire & Explosive Hazard Materials, Toxic Materials, and Vibration.

In reviewing both your April 7, 2015 and the June 1, 2015 letters you sent to me you state what you want; the ability to construct an addition to your existing facility, add adjacent lots to your business for parking and storage facilities, etc. In the June 1, 2015 letter you respond to several of the specific comments I made in my cursory review of the initial site plan you provided but you have not provided the requested Standards Report and the referenced standards as they may or may not apply to your proposed Vehicle Service and Repair business in the WMLI zone.

Considering that the subject Lots 13 thru 20 Block 1, Skalla 2 Subdivision are identified as "Light Industrial" on the Wright's Mesa "Future Land Use – Norwood Master Plan it is my interpretation that there is sufficient information for the Planning Commission & Board of County Commissioners (BOCC) to evaluate your application for rezoning and evaluate and determine if the proposed rezoning of these specific lots would meet or not meet the criteria in LUC Section 5-1803 A. I. thru VII., 5-1803 B. and 5-1803 C. and if the requested rezoning should be approved or disapproved based on their findings during the review of your rezoning application.

While it is acknowledged that you have provided comments why you think the zoning and Special Use Permit to expand your vehicle service and repair business to include additional lots and businesses will have little additional impact and would fit into the existing neighborhood your application doesn't address the specific standards in the format and detail intended by our LUC.

In considering your application and the proposed use it is my interpretation and finding that we have sufficient information to understand the intent of your application and the proposed uses you intend to make of your property in order to refer your application to the various referral entities and to schedule a meeting date for the Planning Commission's consideration of these applications. The application for rezoning will also need to be considered by the BOCC at a future Public Hearing. **In considering this matter while I am finding this application complete for the purpose of sending these applications to the various referral entities, including the Town of Norwood, I am doing so with the express understanding that you will provide the Planning office with an amendment to this application that addresses the standards in Sections 5-319 H Use Specific Standards, 5-319 I I. General Wright's Mesa Standards II Additional Site Development Standards For WMLI Zone Districts a. Lighting Standards and b. Performance Standards, no later than one week prior to the scheduled Planning Commission meeting. If this standards report is not provided the matter may be either removed from the Planning Commission meeting agenda or the matter may be continued to a future public meeting.**

In reviewing the revised site plan you submitted dated 6/01/15 you identify the size of the parking spaces and the distance between and at the ends of the rows. As part of the amendment to your SUP application you should specify the maximum number of cars or vehicles that will be parked in this area and also specify that the vehicles parked in this area are to be currently licensed and not dismantled to make it clear this is parking for a vehicle service and repair business and is not going to turn into a vehicle salvage or junk yard.

The application has been scheduled for consideration by the Planning Commission at its July 8, 2015 meeting. This meeting will be held in the San Miguel County Glockson Building Meeting Room, 1120 Summit St., Norwood, CO. A Public Hearing with the Board of Commissioners will be scheduled after review by the Planning Commission.

Prior to 20 days before any meeting for which consideration of **any** land use application is scheduled, the applicant shall notify by First Class mail every property owner and condominium unit owner within 500 feet of the perimeter of the subject property as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of **any** land use application is scheduled, the applicant shall post notice (*Letter and Sign to be obtained from the County Planning Department*) of the scheduled consideration of the application. Mailing and posting of notice by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C. In addition to the general notice provisions of Section 3-9, the San Miguel County Land Use Code may require additional notice for certain property owners and parties outside the 500 foot perimeter of the subject property for certain specific development applications, as set forth in the Land Use Code.

Pursuant to C.R.S. § 24-65.5-102(2)(a), a land use application that is subject to the requirements of public notice for neighboring property owners and the subsurface mineral estate underneath the subject property includes, but is not limited to; all public hearings and public meetings before either the County Planning Commission or the County Board of Commissioners, including preliminary or final plat for a subdivision, rezonings, any subdivision exemption creating more than one (1) new parcel, a planned unit development, and applications for special use permits where such applications are in anticipation of new surface development. In such case, the applicant shall provide notice, pursuant to C.R.S. §§ 30-28-133(10) and 24-65.5-103(1), to all owners and lessees of a mineral interest of record on the subject property of the pending application. For purposes of identifying the mineral estate owner on the subject property, the applicant or his representative shall examine the records in the office of the San Miguel County Clerk and Recorder. Notice to the mineral estate owner shall be provided by first class mail to the last-known address of record of the mineral estate owner not less than **thirty (30) days** before the date scheduled for the initial public meeting by San Miguel County.

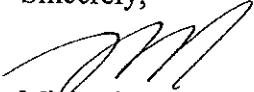
Pursuant to C.R.S. § 24-65.6-102(2)(a) Application for Development does not include: building permit applications, applications for a change of use for an existing structure, applications for boundary adjustments, applications for platting of an additional single lot, applications for lot site plans, applications for a development permit, or applications with respect to electric lines, natural gas pipelines, steam pipelines, chilled or other water pipelines, or appurtenances to said lines or pipelines. An applicant's failure/refusal to submit the required certification of notice required by C.R.S. §§24-65.5-103(4) and 104(2), will result in the public meeting or hearing being rescheduled to a later date.

A letter certifying (enclosed) that all surrounding property owners have been mailed notice must be submitted to the Planning Department prior to the scheduled meeting date.

The County Planning Department has contracted with a local business to copy meeting packets. The applicant will be responsible for payment of all copy charges.

Contact the Planning Department if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to be 'M. Rozycki', written over the printed name.

Michael Rozycki
Planning Director

[text/appcompl/skalla.cossey.rezone.sup]

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PLANNING DEPARTMENT**



P.O. Box 548, 333 West Colorado Avenue, 3rd Floor, Telluride, CO 81435

Phone (970) 728-3083 Fax (970) 728-3098

email: miker@sanmiguelcountyco.gov or karenh@sanmiguelcountyco.gov

May 27, 2015

Ray Cossey by email:

raymondcossey@gmail.com

Re: Pre-application Conference Summary: Rezoning Lots 13-20, Skalla Subdivison #2 from Wright's Mesa (WM) Zone to Wright's Mesa Light Industrial (WMLI) and a Special Use Permit for a Vehicle Service and Repair Shop in the WMLI Zone District on Lots 13-20, Block 1, Skalla Subdivision #2

Dear Ray,

I'm writing to follow-up on our recent telephone conversation concerning your April 7, 2015 letter requesting an amendment to the Special Use Permit for an Auto Repair Business on Lots 13-16, Block 1, Skalla Subdivision #2 in the Wright's Mesa Zone District approved by the CPC in 2007 and requesting a rezoning of Lots 13 thru 20, Block 1 from Wright's Mesa (WM) to Wright's Mesa Light Industrial (WMLI). In the past (2011 & 2014) the Planning office has prepared and sent you pre-application summary letters outlining what you need to submit to Amend the 2007 approved Special Use Permit for your Auto Repair business so that you can expand your business onto adjoining Lots 17 thru 20, Block 1, which you acquired sometime after the original Special Use Permit was approved. The intent of the amendment to the 2007 approval was also to address the fact that you have been parking and storing more than the allowed five cars overnight as specified in the WM Zone District and the SUP approval for your auto repair business. We have informally discussed the matter of rezoning Lots 13 thru 20 to the WMLI Zone District but have not completed a formal pre-application summary for rezoning the subject lots to this new zone district.

It is my understanding from our phone conversation that you are interested and want to apply to rezone these lots to the WMLI for two (2) primary reasons: One is that the WMLI Zone District allows a Vehicle Service and Repair business through a One-step Planning Commission Review process but this new zone district does not prescribe a specific limit on the number of cars that may be stored or parked overnight outside of the building, whereas under the current SUP and provisions of the WM Zone District you are limited to parking or storing no more than five (5) cars overnight outside your building. Under the new WMLI Zone District the number of cars that may be allowed to be parked or stored overnight outside of the building and the type of fencing and screening, which could include landscaping in addition to screening with a fence, would be

considered and determine through the Planning Commission's review and evaluation of your Special Use Permit application and site specific development plan. A second reason you mentioned for requesting this zone change is that the minimum required setbacks in the WMLI Zone District are 15-foot front yard, and 10-foot side & rear yard, which is considerably less than the 30-foot front and 20-foot side and rear yard setbacks required in the WM Zone District. While I have referenced the minimum required setbacks, the Planning Commission in its review of the specific proposal and site plan could require a greater setback than these identified minimums to reduce visual, noise, lighting or other impacts to neighboring properties. The approved Special Use Permit per CPC Resolution 2007-1 specified Hours of Operation: Monday thru Friday, 8 am to 5 pm with no work/business on the weekends. As part of your Special Use Permit application for a Vehicle Service & Repair business in the WMLI Zone District you should address this issue re the days and hours of operation of your service & repair business.

Section 5-319 D. IV. Purpose of the WMLI Zone District states in part that "Prior to rezoning parcels to the WMLI district, the County will encourage landowners to seek annexation into the Town or enter into a pre-annexation agreement with the Town of Norwood". In reviewing the location of your property relative to the Norwood municipal boundary I do not believe you meet the contiguity requirements to be eligible for annexation. I do not know if the Town is interested in or prepared to enter into any sort of pre-annexation agreement with you concerning the rezoning of your property but I would encourage you to advise them of your intention to apply to the County to rezone Lots 13 thru 20 to WMLI to see if they have any issues or concerns. Once we receive your applications and certify them to be complete, as standard practice, we will refer your applications to the Town of Norwood for their review and comment.

The purpose of this correspondence is to serve as a Pre-application Conference Summary, in accordance with San Miguel County Land Use Code Section 4-207, to Rezone Lots 13-20, Block 1, Skalla Subdivision #2 from the Wright's Mesa (WM) Zone District to the Wright's Mesa Light Industrial (WMLI) Zone District and for a Special Use Permit for a Vehicle Service and Repair Shop on Lots 13-20 in the WMLI Zone District. The proposed rezoning requires two-step Planning Commission and Board of Commissioner review pursuant to Land Use Code Sections 5-1803. The Vehicle Service and Repair Shop and Parts Sales (indoor) requires One-step Planning Commission review pursuant to Land Use Code Section 5-319-3 Table of Allowed Uses; Section 5-319 H. IV. d. Vehicle Service and Repair, and Section 5-319 I. Site Development Standards for Uses on Wright's Mesa.

Submission Requirements

Land Use Code Section 4-2 establishes the minimum submission requirements for all development applications:

4-201 General

All development applications shall include, at minimum, the information and materials specified in this section of the Code. During the pre-application conference the Planning Office staff may authorize modifications to the required submission contents.

4-202 Required Background Information

A letter signed by the property owner containing the property owner's name, the applicant's name, address and telephone number, and if applicable, the name, address and telephone number of the representative authorized to act on behalf of the property owner.

4-203 Parcel Description

The street address and current legal description of the parcel on which the development is proposed to occur and an 8-1/2" x 11" vicinity map locating the subject property within San Miguel County.

4-204 Disclosure and Proof of Ownership

A disclosure of ownership of the parcel on which the development is proposed to occur, consisting of a current certificate from a title insurance company or attorney licensed to practice law in the State of Colorado, listing the names of all owners of the property and all holders of subsurface mineral interests of record listed in the real estate records of the San Miguel County Clerk and Recorder, mortgages, judgments, liens, easements, contracts and agreements affecting use and development of the parcel and proof of the owner's right to use the land for the purposes identified in the development application. This shall normally require proof of complete ownership or written consent from all owners. The staff may also request the applicant to supply information regarding the subject property and contiguous property sufficient to indicate that the subject lot was legally created.

4-205 Legal Access

Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the development proposal.

4-206 Standards Report

A written report demonstrating that the proposed development complies with the applicable substantive review standards. This Standards Report is your written narrative explaining how your proposal meets the standards for Rezoning as set forth in LUC Section 5-1803 A. thru C. and also how your proposed Vehicle Service and Repair business will meet the standards in Section 5-319 H Use Specific Standards d. Vehicle Service & Repair and Section 5-319 I. Site Development Standards I General Wright's Mesa Standards II. Additional Site Development Standards for the WMLI Zone District.

4-207 Pre-Application Conference Summary Sheet

A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference.

4-208 Site Plan

The number of copies of scenic 24" x 36" and 8-1/2" x 11" site utilization maps as specified by the staff during the pre-application conference. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps which may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5-4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.

In reviewing the site plan that accompanied your April 7, 2015 letter you provide some dimensions but in my opinion you should show the distance the storage containers and storage building are located from the north property line. What are the sizes of the identified parking spaces and the width of the lanes between parking spaces. Do you have plans to improve or surface the parking area identified on your site plan; are any improvements needed so this area drains properly?

4-209 Copies of Application

During the pre-application conference the staff shall specify the number of copies of the application to be submitted.

4-210 Revegetation Plan

A plan for revegetation of all surfaces disturbed in conjunction with development that preferably employs native species, includes replacement of topsoil and specifies a maintenance schedule and techniques.

4-211 Weed Control Plan

A plan for control of noxious weed, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development, as approved by County staff. Disturbed surfaces over one cumulative acre in size will require bonding for revegetation and weed control.

5-1803 Rezoning

Rezoning may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the standards in this Section. Refer to Sections 3-6 and 4-6 for procedures and submission contents.

5-1803 A. The Planning Commission and the Board of County Commissioners shall approve or disapprove rezoning on the basis of whether the proposed rezoning:

- I. Conflicts with any applicable Sections of the Land Use Code;

- II. Is consistent with the San Miguel County Comprehensive Development Plan;
- III. Is compatible with surrounding Zone Districts and land uses, considering existing land use and neighborhood characteristics;
- IV. Would result in demands on public facilities, and so would exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;
- V. Would result in significant adverse impacts on the natural environment;
- VI. Is consistent and compatible with the community character; and
- VII. Would be in conflict with the public interest;

5-1803 B. The Planning Commission and the Board of County Commissioners shall also consider whether conditions affecting the subject parcel have changed or whether the surrounding neighborhood supports the proposed amendment.

5-1803 C. The Planning Commission and the Board of County Commissioners shall also consider the effect of the proposed amendment on traffic generation and road safety.

Section 5-319 H Use specific Standards

d. Vehicle Service and Repair and Parts Sales (indoor)

Vehicle Service and Repair Garages shall comply with the following standards:

- i. Frontage: To the maximum extent feasible, the entrance to a vehicle repair bay shall not face the primary street frontage.
- ii. Screening and Storage: Vehicle service bays facing a rear or side setback shall be screened from adjacent residentially zoned properties. All parts and equipment shall be stored indoors at all times or screened from off-site view by a wall or fence that is at least six feet in height.
- iii. No off-site parking for vehicles awaiting repairs shall occur.

Section 5-319 I. Site Development Standards

Uses on Wright's Mesa shall comply with the following site development standards.

I. General Wright's Mesa Standards

All development shall comply with the standards set forth in Section 5-6, which establishes service standards; Section 5-7, which establishes improvement standards (including but not limited to parking drainage and flood control, signs, lots, monuments, and landscaping); Section 5-8, dedication standards (including but not limited to parks and public area, school land); and the following:

a. Landscaping and Screening

- i. The Planning Commission and the Board of County Commissioners may require planting of trees and other plant material to mitigate visual impacts of development.

b. Lighting

i. General Lighting Standards

Lighting regulations regulate outdoor night-time fixtures to preserve, protect, and enhance the dark sky while conserving energy, permitting reasonable and safe use of outdoor night-time lighting, minimizing glare and obtrusive light, and helping to protect the natural environment from the damaging effects of night lighting. All outdoor fixtures shall be required to shield exterior lighting to prevent direct visibility of light bulbs from off-site. All exterior lighting shall be directed toward the ground or the surface of a building. High-intensity sodium-vapor and similar lighting are prohibited.

ii. Exempt Lighting

The following are exempt from the requirements of this Section:

- (a) Outdoor lighting fixtures existing or legally installed prior to the effective date of this Section; however, when existing lighting fixtures are repaired or replaced, they will be subject to the provisions of this Section.
- (b) Outdoor lighting fixtures that are necessary for worker safety at farms, ranches or dairies. IDA full-cutoff shielding is encouraged.
- (c) Outdoor lighting for stairs, ramps, exit signs, and other illumination required by building code, as long as IDA full-cutoff shielding is employed.
- (d) Holiday or temporary lighting (less than 30 days use in any one year).
- (e) Emergency lighting used by police, firefighters, or medical personnel and that is in operation as long as the emergency exists.

II. Additional Site Development Standards for WMTR and WMLI Zone Districts

All uses on Wright's Mesa in the Norwood Master Plan Boundary are subject to the general site development standards in subsection I above plus the following additional standards:

a. Lighting Standards for WMTR and WMLI Zone Districts

The following lighting standards apply in the WMTR and WMLI Zone Districts.

- i. High Intensity sodium-Vapor Prohibited.
High-intensity sodium-vapor and similar lighting shall be prohibited.
- ii. Shielding and Lighting Design
All exterior lighting installations subject to this Code shall be designed and installed to be fully shielded ("full cutoff," as described by the

International Dark-sky Association (IDA). In residential area, lights should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter. Parking lots and other background spaces shall be illuminated as unobtrusively as possible with full cut-off shielding while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare. In no case shall exterior lighting directly illuminate any point off-site.

b. Performance Standards

All uses shall conform in operations, location, and construction to the subject performance standards herein specified so that the public health, safety, and welfare will be protected. The location, size, design, and operating characteristics of all uses shall minimize adverse impacts, including visual impacts on surrounding properties.

- i. Noise: It is unlawful for any person to make, continue, or cause to permit to be made or continue any unreasonable noise upon any premises under such person's control or operation. "Unreasonable noise" means any sound or such level or duration as to be or tend to be injurious to human health or welfare, or which would interfere with the enjoyment of life or property. Noise shall not exceed 55 dBA at the lot line.
- ii. Smoke and Particulate Matter: No operation or use shall at any time create smoke and particulate matter beyond the property perimeter of the source of operation that causes a nuisance or distracts from the use and enjoyment of adjacent property.
- iii. Odors: No use shall be located or operated in any district that involves the emission of odors from a source of operation where the odors are noticeable beyond the property perimeter.
- iv. Fire and Explosive Hazard Materials: No use involving the manufacture or storage of compounds or products that decompose by detonation shall be permitted, except that chlorates, nitrates, phosphorous, and similar substances and compounds in small quantities for use by industry, school laboratories, pharmacists, or wholesalers may be permitted when approved by the Norwood Fire Protection District as not presenting a fire or explosion hazard. The storage and use of all flammable liquids and materials shall only be permitted when such use conforms to county standards.
- v. Toxic Materials: No operation shall emit a concentration across the property perimeter of toxic or noxious matter that will exceed threshold limits set forth by the Colorado Department of Health.
- vi. Vibration: No operation or use shall at any time create earthbound vibration across the property perimeter of the source of operation that creates a nuisance or distracts from the use and enjoyment of adjacent property.

Scheduling of Application Consideration

As soon as the Planning Department receives **five** copies of a complete application that conforms to all applicable Land Use Code requirements, the Planning Department can schedule the development permits for consideration by the Planning Commission. The Planning Commission meets the second Wednesday of each month. A complete application must be submitted one month prior to the requested meeting date.

The Planning Department will refer the application to the County Road and Bridge Department, the County Environmental Health Director, the Town of Norwood, and the Norwood Fire Protection District. An application review fee of \$800 (\$500 for the Rezoning and \$350 for the Special Use Permit) payable to San Miguel County (per Board of Commissioner Resolution 2000-13) must accompany the submission for the application to be considered complete. In addition, the County Planning Department has contracted with a local business to copy meeting packets and the applicant will be responsible for payment of all copy charges for meeting packets.

Prior to 20 days before any meeting for which consideration of **any** land use application is scheduled, the applicant shall notify by First Class mail every property owner and condominium unit owner within 500 feet of the perimeter of the subject property as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of **any** land use application is scheduled, the applicant shall post notice (letter and sign to be obtained from the Planning Department) of the scheduled consideration of the application. Mailing and posting of notice (*letter and sign to be obtained from the Planning Department*) by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C. In addition to the general notice provisions of Section 3-9, the San Miguel County Land Use Code may require additional notice for certain property owners and parties outside the 500 foot perimeter of the subject property for certain specific development applications, as set forth in the Land Use Code.

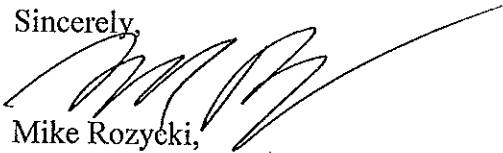
Pursuant to C.R.S. § 24-65.5-102(2)(a), a land use application that is subject to the requirements of public notice for neighboring property owners and the subsurface mineral estate underneath the subject property includes, but is not limited to, all public hearings and public meetings before either the County Planning Commission or the County Board of Commissioners, including preliminary or final plat for a subdivision, rezonings, any subdivision exemption creating more than one (1) new parcel, a planned unit development, and applications for special use permits where such applications are in anticipation of new surface development. In such case, the applicant shall provide notice, pursuant to C.R.S. §§ 30-28-133(10) and 24-65.5-103(1), to all owners and lessees of a mineral interest of record on the subject property of the pending application. For purposes of identifying the mineral estate owner on the subject property, the applicant or his representative shall examine the records in the office of the San Miguel County Clerk and Recorder. Notice to the mineral estate owner shall be provided by first class mail to the last-known address of record of the mineral estate owner not less than **thirty (30) days** before the date scheduled for the initial public meeting by San Miguel County.

Pursuant to C.R.S. § 24-65.6-102(2)(a) Application for Development does not include: building permit applications, applications for a change of use for an existing structure, applications for boundary adjustments, applications for platting of an additional single lot, applications for lot site plans, applications for a development permit, or applications with respect to electric lines, natural gas pipelines, steam pipelines, chilled or other water pipelines, or appurtenances to said lines or pipelines. An applicant's failure/refusal to submit the required certification of notice required by C.R.S. §§24-65.5-103(4) and 104(2), will result in the public meeting or hearing being rescheduled to a later date.

The applicant will also be responsible for the posting and noticing prior the Public Hearing before the Board of County Commissioner meeting.

If you have any questions or concerns with the information I have provided concerning the applications required from rezoning your property and/or applying for a Special Use Permit for a Vehicle Service and Repair business in the WMLI please do not hesitate to contact Karen Henderson, Associate Planner or myself. .

Sincerely,



Mike Rozycki,
Planning Director

[text/preapp/skalla.13-20.rezone.sup]